

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

**UNITED STATES OF AMERICA** :  
 :  
 v. : **CRIMINAL NO. 21-CR-0246 (ABJ)**  
 :  
**DANIEL JOSEPH RODRIGUEZ,** :  
 :  
 **Defendant.** :

**GOVERNMENT’S OPPOSITION TO  
DEFENDANT’S MOTION TO SUPPRESS STATEMENTS**

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, respectfully opposes the defendant’s Motion to Suppress Statements. Because the defendant knowingly and voluntarily waived his right to remain silent under *Miranda v. Arizona*, 384 U.S. 436 (1966), the defendant’s motion should be denied.

**PROCEDURAL BACKGROUND**

The defendant is charged by indictment with violations of 18 U.S.C. §§ 1512(c)(2), 2 (obstructing an official proceeding, aiding and abetting); 18 U.S.C. § 231(a)(3) (certain acts during a civil disorder); 18 U.S.C. §§ 111(a)(1) and (b) (assaulting, resisting, or impeding certain officers); 18 U.S.C. § 641 (theft of government property); 18 U.S.C. § 1361 (destruction of government property); 18 U.S.C. § 1752(a)(1) and (b)(1)(A) (unlawful entry and remaining on restricted grounds with a deadly or dangerous weapon); 18 U.S.C. § 1752(a)(2) and (b)(1)(A) (disorderly and disruptive conduct on restricted grounds with a deadly and dangerous weapon); and 18 U.S.C. § 1752(a)(3) and (b)(1)(A) (impeding ingress and egress in restricted buildings and grounds with a deadly or dangerous weapon). The obstruction charge carries a maximum statutory penalty of twenty years.

The defendant has been detained pending trial since the date of his arrest on March 31, 2021. On October 15, 2021, the defendant filed his Motion to Suppress Statements (hereinafter “the defendant’s motion”). ECF No. 38. The government hereby opposes.

### **BACKGROUND**<sup>1</sup>

On January 6, 2021, the defendant unlawfully entered the grounds of the U.S. Capitol during the riot taking place while the Joint Session of Congress attempted to certify the results of the 2020 Presidential Election. While on the grounds, the defendant interfered with U.S. Capitol Police and Metropolitan Police Department officers who were protecting the entrance to the Capitol building at the Lower West Terrace. Specifically, over the course of approximately 35 minutes, the defendant tossed a flagpole at the police line, used a fire extinguisher to spray officers, worked with a mob to heave against the police line, and ultimately applied an electroshock weapon to the neck of a Metropolitan Police Department officer, causing severe injuries. Subsequently, the defendant entered the Capitol building through a broken window, used a large pole to smash a second window inside the Capitol to enable other rioters to enter the building, and stole items from an office inside the Capitol, including an emergency escape hood. The defendant committed these acts for the purpose of interfering with the certification of the 2020 Presidential Election results.

On March 31, 2021, at approximately 6:00 a.m., special agents from the Federal Bureau of Investigation (“FBI”), executed an arrest warrant for the defendant at his home in Fontana, California. At approximately 6:12 a.m., FBI Special Agents Nate Elias and Enrique Armenta took custody of the defendant and transported him from his home to the Riverside office of the FBI,

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<sup>1</sup> This factual summary is being provided only as background information to aid the Court in considering the defendant’s motion at issue and the government’s response in this pleading. It is not a complete description of all the facts and evidence that might be established and admitted at a hearing on the defendant’s motion or at trial. This factual description is a summary only, not a complete description of all the details of the encounter and the statements made therein.

where he was subsequently interviewed. See Exhibit 1, Transcript Defendant Interview. At approximately 7:09 a.m., the defendant was placed in an interview room and was restrained via handcuffs, which kept his right hand affixed to the wall. Special Agent Armenta came into the room and spent approximately two minutes asking the defendant questions regarding COVID-19 safety protocols. Exhibit 1, Tr. 3:3-21. Special Agent Elias then entered the room, and both agents introduced themselves formally. Exhibit 1, Tr. 4: 4-11. After approximately three minutes of introductory questions and explanation as to why everyone was present, Special Agent Elias told the defendant this was an opportunity for him to help the agents understand what happened from his perspective. Exhibit 1, Tr. 5: 18-23. The defendant interrupted him by stating, “If I do that, I don’t think it’s going to reduce my sentence or something.” Exhibit 1, Tr. 5:24-25. Immediately, Special Agent Elias responded, “Well, let us read you some paperwork here and then we can talk about how you might be able to help yourself out of your situation, okay?” Exhibit 1, Tr. 6: 1-3.

Special Agent Armenta then began to read the defendant his rights, pursuant to *Miranda v. Arizona*, 384 U.S. 436 (1966), stating, “Let me know if you understand everything and then if you have any questions, you know?” Exhibit 1, Tr. 6:9-11. While Special Agent Armenta read the *Miranda* warnings, Special Agent Elias removed the handcuffs restraining the defendant’s right hand to the wall. Exhibit 1, Tr. 6: 5- 7:1. Then, Special Agent Armenta asked the defendant, “Do you understand those rights?” and the defendant nodded his head in affirmation. Exhibit 1, Tr. 7: 1-3. Special Agent Armenta then handed the defendant a written copy of the *Miranda* warnings for him to read to himself and acknowledge that he understood them. Exhibit 1, Tr. 7: 4-6. The defendant took the paper, read the warnings silently to himself, and then stated that he did want to talk, but in the past, lawyers had told him not to say anything. Exhibit 1, Tr. 7: 7-9. Special Agent Elias responded:

Well, look. By signing this, you're just acknowledging that you were read your rights and that you're willing to talk to us at this time. Just because you signed it doesn't mean any of these rights go away. These rights are always with you throughout the entire process that you're in the legal system, okay? Does that make sense?

Exhibit 1, Tr. 7: 10-16. The defendant responded “yeah,” signed the paper with the warnings on it, and pushed it back towards Special Agent Armenta. Exhibit 1, Tr. 7: 17; see also, Exhibit 2, signed Advice of Rights. The defendant then proceeded to answer questions for approximately the next two hours. At approximately 9:32 a.m., the agents took a six-minute break and let the defendant get up and leave the room. Exhibit 1, Tr. 127: 2-12. The defendant then answered questions for approximately one hour and fifteen minutes more, and the interview concluded at approximately 10:50 a.m.

The defendant never requested a lawyer. The defendant never invoked his right to remain silent. The defendant remained out of handcuffs for the entire interview. The agents and the defendant spoke calmly, and practically without interruption, for three and a half hours. During the course of the examination, the defendant admitted to tasing Metropolitan Police Department Officer M.F. (Tr. 73: 2- 74:1; 82: 12-22; 121:15-24), illegally entering the United States Capitol building (Tr. 102: 5-8; 107:3-11), and attempting to break a window once inside the Capitol building (Tr. 106: 15-24).

### **LEGAL STANDARD**

The Fifth Amendment provides that “[n]o person . . . shall be compelled in any criminal case to be a witness against himself.” U.S. Const. Amend. V. To safeguard that right, the police must warn a suspect who is going to be questioned while in custody that he “has the right to remain silent, that anything he says can be used against him in a court of law, that he has the right to the presence of an attorney, and that if he cannot afford an attorney one will be appointed for him prior to any questioning if he so desires.” *Miranda v. Arizona*, 384 U.S. 436, 479 (1966). While Fourth

Amendment waivers need only be voluntary, *Schneckloth v. Bustamonte*, 412 U.S. 218 (1973), a Miranda waiver must be both intelligent and voluntary. *Miranda*, at 471-72.

These rights need not be word for word from the *Miranda* ruling. Substance, not form, is the test. See, e.g., *Florida v. Powell*, 559 U.S. 50, 64, (2010) (“We decline to declare its precise formulation necessary to meet *Miranda*’s requirements. Different words were used in the advice [the defendant] received, but they communicated the same essential message.”); *Duckworth v. Eagan*, 492 U.S. 195, 202 (1989) (“We have never insisted that Miranda warnings be given in the exact form described in that decision.”); *California v. Prysock*, 453 U.S. 355, 359, (1981)(“*Miranda* itself indicated that no talismanic incantation was required to satisfy its strictures.”).

A suspect who wishes to invoke his rights must do so unambiguously. See *Berghuis v. Thompkins*, 560 U.S. 370, 381 (2010) (“There is good reason to require an accused who wants to invoke his or her right to remain silent to do so unambiguously.”); *Davis v. United States*, 512 U.S. 452, 461-62 (1994) (“If the suspect’s statement is not an unambiguous or unequivocal request for counsel, the officers have no obligation to stop questioning him.”). This requirement “results in an objective inquiry that avoids difficulties of proof and provides guidance to officers on how to proceed in the face of ambiguity.” *Berghuis*, 560 U.S. at 381. Where a suspect says something ambiguous or equivocal, it is not only permissible but often “good police practice” to clarify whether he wants to invoke his rights. *Davis*, 512 U.S. at 461; accord *Berghuis*, 560 U.S. at 381. Where the suspect decides to talk, his statements may be admitted without violating the Fifth Amendment if the government shows by a preponderance of evidence that he knowingly, intelligently, and voluntarily waived his rights. See *Colorado v. Connelly*, 479 U.S. 157, 168-69 (1986).

The Supreme Court has indicated that the inquiry into whether a statement is obtained voluntarily should be determined with reference to the totality of the circumstances. In determining whether a defendant's will was overborne in a particular case, the Court has “assessed the totality of all the surrounding circumstances—both the characteristics of the accused and the details of the interrogation.” *Bustamonte*, 412 U.S. at 226. The ultimate question is whether the suspect’s “will [has been] overborne” by “coercive police activity.” *Colorado v. Connelly*, 479 U.S. 157, 167, 178 n.2 (1986). If there is no coercive police activity, a statement is considered voluntary. *Connelly*, 479 U.S. at 167; *Baird v. United States*, 851 F.2d 376, 382 (D.C. Cir. 1988). Compare *United States v. Hallford*, 816 F.3d 850, 856 (D.C. Cir. 2016) (no coercive police conduct where defendant agreed to an interview with agents, agents asked “straightforward” questions in “conversational tones”; defendant was not restrained; interview lasted less than an hour; defendant questioned in a hospital and not in a police-dominated atmosphere; defendant was not tricked into answer questions; defendant’s refusal to consent to a search of his vehicle showed his will was not overborne), with *Little v. United States*, 125 A.3d 1119, 1133 (D.C. 2015) (defendant chained to the ground and chair, denied counsel when requested, threatened that he would be raped if he went to jail, and accused of crimes officers knew he did not commit, was coerced into confessing).

### ARGUMENT

The defendant argues that the defendant’s statements were taken in violation of his Fifth Amendment rights and in violation of *Miranda* and its progeny. His claims lack merit for the reasons described below.

#### I. The Statement Made Prior to the *Miranda* Warnings Was Spontaneous and Not In Response to Questioning.

“Volunteered and spontaneous statements made without *Miranda* warnings are admissible if they were not made in response to police questioning.” *United States v. Williamson*,

181 F. Supp. 3d 41, 43 (D.D.C. 2014); see also *United States v. Samuels*, 938 F.2d 210, 214 (D.C. Cir. 1991)(holding that volunteered statements made without prompting from the police are admissible without *Miranda* warnings). Law enforcement “surely cannot be held accountable for the unforeseeable results of their words or actions,” and therefore interrogation under the *Miranda* decision “can extend only to words or actions on the part of police officers that they should have known were reasonably likely to elicit an incriminating response.” *Rhode Island v. Innis*, 446 U.S. 291, 301–02 (1980).

Here, the defendant points to nothing to suggest that his statement “If I do that, I don't think it's going to reduce my sentence or something,” which was made in response to the statement from Special Agent Elias “And I think that there's an opportunity here for us to get clarity on what went down and what you see happened,” before *Miranda* warnings were given, was involuntary nor made in response to questioning from law enforcement. First, the statement was made before the agents even mentioned January 6, 2021, the U.S. Capitol, the tasing of Metropolitan Police Department Officer M.F., or any illegal activity at all, or asked any questions about the defendant’s involvement. Second, during the defendant’s recorded statement to the FBI Special Agents, nothing the agents did before the *Miranda* warning was characterized by the sort of pressure that would have overborne the defendant’s will. The statement was made approximately six minutes into the interaction with the agents, (Exhibit 1, Tr. 5:24-25), the agents spoke to the defendant in a non-threatening conversational tone, and they did not use physical force, punishment, or threats. The fact that the defendant asked questions and answered the preliminary questions posed to him suggests the opposite—the defendant was in full command of his faculties. Accordingly, the defendant’s statement before *Miranda* was merely spontaneous,

was volunteered not in response to law enforcement questioning, and should not be suppressed.<sup>2</sup>

## **II. The Defendant was Given Valid *Miranda* Warnings by the FBI Agents.**

The agents gave warnings almost identical to the language from *Miranda*. The *Miranda* decision states that “[p]rior to any questioning, the person must be warned that he has a right to remain silent, that any statement he does make may be used as evidence against him, and that he has a right to the presence of an attorney, either retained or appointed.” *Miranda*, 384 U.S. at 444. Special Agent Armenta first read the defendant the following warnings:

You have the right to remain silent... Anything you say can be used against you in court... You have the right to talk to a lawyer for advice before we ask you any questions. You have the right to have a lawyer with you during questioning. If you cannot afford a lawyer, one will be appointed for you before any questioning, if you wish. If you decide to answer questions now without a lawyer present, you have the right to stop answering at any time, okay? Do you understand those rights?

Exhibit 1, Tr. 6:13 - 7:2. Then, Special Agent Armenta gave the defendant the same warnings in writing, which the defendant signed after reviewing. Exhibit 2.

The validity of these warnings was not diminished by Special Agent Armenta’s subsequent, additional statement “if I ask a question or something makes you uncomfortable, just to let me know.” Exhibit 1, Tr. 7: 18- 20. Despite the defendant’s argument that this statement somehow “narrowed the scope” of the defendant’s rights—for which they provide no legal citation (ECF No. 38, at 16)—the agent’s additional statements go *beyond* what is legally required by *Miranda*,

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<sup>2</sup> Should the Court find otherwise, the government submits the statements are still admissible as impeachment because the statement was voluntary, as discussed *infra* at Section V. See, e.g. *Harris v. New York*, 401 U.S. 222, 226 (1971) (“The shield provided by *Miranda* cannot be perverted into a license to use perjury by way of a defense, free from the risk of confrontation with prior inconsistent utterances.”); *Oregon v. Hass*, 420 U.S. 714, 723 (1975)(holding that defendant’s statements that did not involve coercion or duress may be used as impeachment, as “inadmissibility would pervert the constitutional right into a right to falsify free from the embarrassment of impeachment evidence from the defendant’s own mouth.”)



giving the defendant the option let the agents know he no longer wants to answer questions about which he feels uncomfortable. See, e.g., *Florida v. Powell*, 559 U.S. at 64 (2010) (holding that communicating the same essential message as the warnings in *Miranda* is sufficient). Nothing in the agents' statements nor in the written document provided to the defendant was obfuscated by Special Agent Armenta's statement, and the warnings were nearly verbatim from *Miranda*. Therefore, the warnings, and the subsequent statement, were legally sound under *Miranda* and its progeny.

**III. The Defendant's Waiver Was Voluntary, Knowing and Intelligent, and Was Never Revoked During the Custodial Interview.**

The procedural safeguards in place after *Miranda* require that not only that the defendant receive proper warnings about his rights, but that "after such warnings have been given, and such opportunity afforded him, the individual may knowingly and intelligently waive these rights and agree to answer questions or make a statement." *Miranda*, 384 U.S. at 479. "The waiver inquiry has two distinct dimensions: waiver must be 'voluntary in the sense that it was the product of a free and deliberate choice rather than intimidation, coercion, or deception,' and 'made with a full awareness of both the nature of the right being abandoned and the consequences of the decision to abandon it.'" *Berghuis*, 560 U.S. at 382–83 (quoting *Moran v. Burbine*, 475 U.S. 412, 421 (1986)).

A review of the defendant's behavior during the interview makes plain that his waiver was voluntary, knowing and intelligent. The defendant expressed a desire to speak with the agents, but knew, from previous interactions with lawyers, that may not inure to his benefit. Exhibit 1, Tr. 7: 7-9. The fact that the defendant mentioned that he had previously spoken to attorneys about the exact situation in which he found himself—in custody and faced with answering questions by law enforcement—indicated that he was fully aware of ability to invoke his right to remain silent and was choosing not to make that invocation. Exhibit 1, Tr. 7: 7-9 ("MR. RODRIGUEZ: I want to

talk to you guy[s] and, in the past, lawyers have always told me, you know, you don't say anything. They're not going to help you.”) The defendant understood the rights read to him, as evidenced by the fact that he affirmatively nodded in response when Special Agent Armenta finished and that he signed the paper containing the written warnings. Exhibit 1, 7: 3. The defendant even admitted to previous contacts with the law enforcement and other arrests, which provides evidence of prior knowledge with the workings of the legal system. Exhibit 1, Tr. 18: 12-14. (“MR. RODRIGUEZ: -- and I have, like, a bad, you know, history of getting arrested with tickets and stuff, right? You saw my record.”) The defense does not allege any mental illness, language barrier, or other defect that would have made it difficult for the defendant to understand the warnings given to him and waive the rights therein intelligently. Barring such evidence, the statements made subsequent to a valid waiver, after both oral and written *Miranda* warnings were given, should be admissible.

Additionally, at no point during the defendant’s interview did he refuse to give a statement or unambiguously invoke his right to remain silent. *See, Berghuis*, 560 U.S. at 381-82. An ambiguous colloquy is not a sufficient invocation of the defendant’s right to remain silent. The Supreme Court requires “an unambiguous invocation of Miranda rights” such that it “avoid[s] difficulties of proof and ... provide[s] guidance to officers’ on how to proceed in the face of ambiguity.” *Id.*, at 381(quoting *Davis*, 512 U.S. at 458-59). If an ambiguous act, omission, or statement could require police to end the interrogation, “police would be required to make difficult decisions about an accused’s unclear intent and face the consequence of suppression.” *Id.*, at 382.

A simple “no,” approximately 40 minutes into the interview, in response to a question about whether the defendant wanted to talk about the specific assault on the officer is not an

unambiguous invocation,<sup>3</sup> particularly when the defendant *immediately* responded to the follow up statement by Special Agent Elias that “Everybody else is going to talk about it, ” by stating “Yeah. I’m pretty ashamed.” Exhibit 1, Tr. 37: 23- 38:6. It is also notable that the defendant routinely speaks at great length during the interview, with little prodding from the agents, a strong indication of the voluntariness of his statements and his willingness to continue. As such, the defendant knowingly, intelligently, and voluntarily waived his rights under *Miranda* and his statements should be admitted.

**IV. The Agents Did Not Perform an Impermissible Two-Step Interrogation By Speaking to the Defendant Before the *Miranda* Warnings.**

Contrary to the defendant’s argument that the agents gave an impermissible “midstream recitation” of the *Miranda* warnings, the agents gave the defendant his *Miranda* warnings after merely six minutes of interacting with the defendant, and before any substantive questioning had begun. The defendant’s reliance on the plurality opinion in *Missouri v. Seibert*, 542 U.S. 600 (2004) is unpersuasive when viewed in light of this jurisdiction’s case law after *Seibert* and the facts of this case.

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<sup>3</sup> The D.C. Circuit has found that a simple “no” can be an unambiguous invocation of the right to remain silent in some factual circumstances in *United States v. Murdock*, 667 F.3d 1302, 1304 (D.C. Cir. 2012). The government believes the facts in this case are distinct from the “no” in *Murdock*, which was given multiple times in response to the law enforcement officer’s explanation to the defendant that he had no obligation to speak, but asked him whether he wished to talk anyway. The “no” in this case does not come in response to the *Miranda* warnings, or in response to the general question of whether the defendant wants to waive his right to speak to law enforcement at all. The defendant’s “no” comes in response to a specific question about the most violent allegation in the case, and was subsequently abandoned. The defendant also stated during the course of the questioning that he did not want to talk about how he got to D.C. because he “[didn’t] want to get anyone in trouble,” but subsequently addressed the agents’ questions on that point as well. Exhibit 1, Tr. 36: 8-10. The agents cannot be put in a position to guess as to whether a simple “no” is actually an invocation of the defendant’s right to remain silent, or whether it is a momentary hesitation to a difficult question, which is ultimately abandoned.

The plurality and concurrence opinions in *Seibert* are primarily concerned with a “question-first, warn-second” tactic that could be coercive. *Id.* at 604. Two tests emerge from the *Seibert* decision: the plurality approach, which focuses on the effectiveness of the warnings, (*id.* at 611-612) and Justice Kennedy’s approach, which focuses on the intent of the interrogating officer (*id.* at 621). Though the D.C. Circuit has not opined on which test it may apply, see *United States v. Straker*, 800 F.3d 570, 617 (D.C. Cir. 2015)(“We need not pick sides in that debate”), it is clear that the totality of the circumstances must be considered to determine if “the manifest purpose behind such a tactic is to ‘get a confession the suspect would not make if he understood his rights at the outset.’” *United States v. Hitselberger*, 991 F. Supp. 2d 130, 141 (D.D.C. 2014) (citing *Seibert*, at 613). No tactic is *per se* unconstitutional, *id.* at 141, and indeed, several cases in this District have rejected arguments that *Miranda* warnings given “midstream” were ineffective or warranted suppression. See, e.g., *Hitselberger*, at 134 (holding there was no impermissible two-step interrogation where, in the 38 minute conversation before *Miranda* warnings were given, the agents did not ask the defendant any questions about the precipitating incident.); *United States v. Apodaca*, 275 F. Supp. 3d 123, 146 (D.D.C. 2017)(holding no violation of defendant’s rights when, six minutes into the conversation, the defendant was given the advice of rights form and there was no questioning of the defendant before he had reviewed the form.); *United States v. Abu Khatallah*, 275 F. Supp. 3d 32, 64 (D.D.C. 2017) (holding that, regardless of which *Seibert* test is applied, a two-day break between the two sets of interviews and clearly distinct subject matters does not create an impermissibly coercive interview.)

Furthermore, this case is factually distinct from *Seibert* in several ways. First, the officer interrogating the defendant in *Seibert* was following explicit instruction to refrain from giving *Miranda* warnings. *Seibert*, at 604. No such allegation can be made here, especially given the

swiftness with which the agents moved from rapport-building to giving *Miranda* warnings once the defendant started to discuss his possible criminal exposure. Exhibit 1, Tr. 5:24 – 6:3.<sup>4</sup> Second, the officer in *Seibert* questioned the defendant for 30 to 40 minutes before warnings were given. *Seibert*, at 604. The agents here interacted with the defendant for approximately six minutes before warnings were given, including the time it took to complete a COVID-19 questionnaire. Third, the officer in *Seibert* squeezed the defendant’s arm and repeated “Donald was also to die in his sleep,” a statement directed at the heart of the criminal case against the defendant. *Seibert*, at 605. Here, the agents never laid a hand on Rodriguez, except to assist in removing his handcuffs, and never asked a single question about January 6, 2021, the United States Capitol, or the tasing of Officer M.F. during the introductory statements. Finally, it is not even clear that, unlike in *Seibert*, the defendant gave any kind of inculpatory statement before the warnings were given. “If I do that, I don’t think it’s going to reduce my sentence or something,” (Exhibit 1, Tr. 5:24-25), in response to agent’s statements to the defendant regarding their intention to give him the opportunity to help them understand the situation, is hardly a confession. Indeed, the defendant’s later statement that “lawyers have always told me, you know, you don't say anything. They're not going to help you,” (Exhibit 1, Tr: 7: 7-9) indicates that the first statement was more a general concern that the talking to law enforcement never helps anyone in a legal case, not that the defendant specifically will be serving a sentence because he indeed committed a crime. There is no reason to believe that, with this statement alone, the “damage was done,” as defense suggests (ECF No. 38 at 18), and therefore

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<sup>4</sup> Agent Elias was in the midst of providing a roadmap for the interview when the defendant interjected and began to acknowledge criminal liability while questioning the utility of providing a fulsome statement. Agent Elias quickly interrupted to say, “Well, let us read you some paperwork here and then we can talk about how you might be able to help yourself out of your situation, okay?” Exhibit 1, Tr. 5:9-6:4. Thus, it appears that defendant’s eagerness to speak got out in front of the agents’ plan.

the defendant felt the cat was out of the bag and he had to waive his *Miranda* rights. *Oregon v. Elstad*, 470 U.S. 298, 311(1985)(rejecting the “cat out of the bag” theory when voluntary unwarned admissions were made and proscribed official coercion played no part in either the warned or unwarned confessions.) And it is certainly not a statement the agents relied upon during the rest of the interview to coerce a confession only after *Miranda* warnings were given.

Much like in *Hitselberger*, the agents asked only general questions with the purpose of establishing a rapport with the defendant, not to elicit a confession. *Hitselberger*, 991 F. Supp. 2d at 141. The moment the defendant said anything that could possibly be construed as inculpatory—when he mentioned a potential jail sentence—the agents immediately turned to the “paperwork,” read his *Miranda* rights aloud, and had him sign the advice of rights. Exhibit 1, Tr. 6:1 – 7:22. Nothing in the six minutes before the defendant was given his *Miranda* warnings should cause this Court to believe those warnings were functionally ineffective, nor that the agents intended to coerce any inculpatory response from the defendant.

V. **The Defendant’s Statements Were Voluntary, Not Coerced, and Should be Admissible at Trial.**

The defendant’s argument that his confession was involuntary is not factually accurate nor legally sound. When reviewing voluntariness and possible coercion, the Court must look to the totality of circumstances, including both the characteristics of the accused and the details of the interrogation. *Bustamonte*, 412 U.S. at 226. The Supreme Court has held that the ultimate question is whether the suspect’s “will [has been] overborne” by “coercive police activity.” *Colorado v. Connelly*, 479 U.S. 157, 167, 178 n.2 (1986). If there is no coercive police activity, a statement is considered voluntary. *Connelly*, 479 U.S. at 167; *Baird v. United States*, 851 F.2d 376, 382 (D.C. Cir. 1988). If a suspect gives a statement solely as a result of an internal condition, e.g., insanity or intoxication, there also is no constitutional violation. *Connelly*, 479 U.S. at 167. It has long been

the rule that the mere fact that an accused is in custody and subjected to police questioning is not sufficient to raise a voluntariness issue. *United States v. Bennett*, 495 F.2d 943, 956 (D.C. Cir. 1974). Rather, something besides custody and ordinary questioning must come into play. *Id.*

Here, the defendant alleges “coercive pressures” forced the involuntary statements made during the interview. ECF No. 38, at 22. Yet, the allegedly coercive tactics the defendant cites are anything but. Review of the transcript shows the agents asking typical questions about why the defendant committed the acts in question (Tr. 114:3-5), showing the defendant videos and giving the defendant the opportunity to correct their misimpressions about what the videos showed (Tr. 74:19-75:22; 78:20-82:21), and reassuring the defendant that they were not there to judge him or look at him as anything other than a fellow human being (Tr. 16: 25- 17:13). The defendant cites to no case explaining why any of these questioning tactics could be construed as coercive.

Yet, the D.C. Circuit has given guidance on what is considered coercive and noncoercive tactics such that the will of a defendant is either overborne or freely exercised. For instance, a law enforcement officer’s “nonthreatening behavior” militates “towards a noncoercive encounter.” *United States v. Hall*, 969 F.2d 1102, 1108 (D.C. Cir. 1992). In *Hall*, the Court found the officer who questioned the defendant applied a minimal level of pressure when the officer was dressed in plain clothes, his weapon was concealed, he spoke in a conversational tone, and no threats or force were used. *Id.* at 1107. In *United States v. Murdock*, 667 F.3d 1302, 1307 (D.C. Cir. 2012), the Court found that the questioning detective’s statements that he would investigate any claims made by the defendant, which could affect his charging, did not undermine the evidence of voluntariness. In *United States v. Hallford*, 816 F.3d 850, 858 (D.C. Cir. 2016), the Court rejected the trial court’s assessment that there was substantially coercive police conduct when the defendant agreed to an interview, the agents asked straightforward questions in conversational tones, and he was deprived





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**Exhibit 1**

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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 UNITED STATES OF AMERICA \*  
 vs. \* CASE NO. 2021-R-00677  
 DANIEL RODRIGUEZ \* 21-cr-246  
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Files:

Disc 1: VTS\_01\_1.VOB  
 VTS\_01\_2.VOB  
 VTS\_01\_3.VOB  
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Interview of:

DANIEL "D.J." RODRIGUEZ

Wednesday, March 31, 2021

APPEARANCES:

SPECIAL AGENT ENRIQUE ARMENTA

SPECIAL AGENT ELIAS

P R O C E E D I N G S

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(7:09 a.m.)

AGENT ARMENTA: Just have to fill out this quick paperwork real quick. Let's see. That. Okay. Do you have a lawyer right now?

MR. RODRIGUEZ: No, I don't.

AGENT ARMENTA: No? Okay. Okay. 3/31. Okay. All right. I'm going to go over the -- just the COVID stuff, you know? They're going to want to know that. So, have you traveled from or through any of the locations identified by the CDC as increasing epidemiological risk within the last 14 days?

MR. RODRIGUEZ: No, sir.

AGENT ARMENTA: No? Have you had any close contact with anyone diagnosed with COVID-19 within the last 14 days?

MR. RODRIGUEZ: No, sir.

AGENT ARMENTA: No? Okay. You don't have a fever or cough or shortness of breath?

MR. RODRIGUEZ: No.

AGENT ARMENTA: Okay. Okay.

(Special Agent Elias enters the room.)

AGENT ARMENTA: Okay.

AGENT ELIAS: I hate this table in this room. It's in the wrong spot at all times.

1 AGENT ARMENTA: I know. It's kind of awkward.

2 AGENT ELIAS: It doesn't make it easy for us to  
3 sit and talk.

4 AGENT ARMENTA: Sorry. All right, Daniel.  
5 Daniel, do you go by Daniel, D.J., or what do you prefer?

6 MR. RODRIGUEZ: I guess Danny.

7 AGENT ARMENTA: Danny? Okay. So, just so you  
8 know. My name's Enrique Armenta (ph.). I'm a special agent  
9 with the FBI, okay?

10 AGENT ELIAS: My name's Agent Elias (ph.), also a  
11 special agent.

12 AGENT ARMENTA: You seem to have a pretty good  
13 idea why we're here, right? You need some tissue or  
14 something, just let me know, okay? We can grab you  
15 something.

16 MR. RODRIGUEZ: No. No sense of crying. I can't  
17 be crying (indiscernible). I don't know what's wrong with  
18 me.

19 AGENT ARMENTA: So what I wanted to is kind of  
20 just explain what's happening and then I want to give you an  
21 opportunity to kind of just kind of help us understand, you  
22 know, what happened from your perspective, okay?

23 I want to give you that opportunity. That's why  
24 we're here. I wanted to take you away from this morning and  
25 that kind of hectic chaos and just give you a moment. Take

1 a breath, all right? I feel like you kind of want to talk  
2 about it. I feel like you kind of want to get it off your  
3 chest.

4 MR. RODRIGUEZ: I'm so weak. I'm crying.

5 AGENT ARMENTA: It's okay, man. It's okay.

6 MR. RODRIGUEZ: Oh, God. I shouldn't be crying.

7 I'm a grown man and I knew what I was doing. Whatever  
8 happens to me is going to have to happen to me because I --

9 AGENT ELIAS: Look, man. Enrique and I interview  
10 a lot of people and we talk to a lot of people who have been  
11 in the same situation you've been in. There's no shame in  
12 crying. There's no shame in you having a tough time with  
13 processing. It's understandable.

14 You're in a important position right now, you  
15 know? I mean, you've said it yourself. The last couple of  
16 months have been really hard, right? It's been difficult.

17 MR. RODRIGUEZ: Yeah.

18 AGENT ELIAS: This is an opportunity here for you  
19 to let us know and help us understand, because right now we  
20 don't frankly understand exactly what happened from your  
21 perspective. And I think that there's an opportunity here  
22 for us to get clarity on what went down and what you see  
23 happened. But --

24 MR. RODRIGUEZ: If I do that, I don't think it's  
25 going to reduce my sentence or something.

1           AGENT ELIAS: Well, let us read you some paperwork  
2 here and then we can talk about how you might be able to  
3 help yourself out of your situation, okay?

4           (No audible response.)

5           AGENT ARMENTA: I'm going to read this do you.  
6 Just --

7           AGENT ELIAS: Let me get those keys one more time  
8 from you.

9           AGENT ARMENTA: Yeah. Let me know if you  
10 understand everything and then if you have any questions,  
11 you know?

12           (Special Agent Elias removes restraints.)

13           AGENT ARMENTA: You have the right to remain  
14 silent.

15           MR. RODRIGUEZ: Oh, I can have it off?

16           AGENT ARMENTA: Anything you say can be used  
17 against you in court.

18           AGENT ELIAS: (Indiscernible).

19           MR. RODRIGUEZ: Thank you.

20           AGENT ARMENTA: You have the right to talk to a  
21 lawyer for advice before we ask you any questions. You have  
22 the right to have a lawyer with you during questioning. If  
23 you cannot afford a lawyer, one will be appointed for you  
24 before any questioning, if you wish. If you decide to  
25 answer questions now without a lawyer present, you have the

1 right to stop answering at any time, okay? Do you  
2 understand those rights?

3 MR. RODRIGUEZ: (Nods head.)

4 AGENT ARMENTA: Okay. You sign right here and you  
5 can read them, too, to yourself as well. And just  
6 acknowledge that you understand them.

7 MR. RODRIGUEZ: I want to talk to you guy and, in  
8 the past, lawyers have always told me, you know, you don't  
9 say anything. They're not going to help you.

10 AGENT ELIAS: Well, look. By signing this, you're  
11 just acknowledging that you were read your rights and that  
12 you're willing to talk to us at this time. Just because you  
13 signed it doesn't mean any of these rights go away. These  
14 rights are always with you throughout the entire process  
15 that you're in the legal system, okay? Does that make  
16 sense?

17 MR. RODRIGUEZ: Yeah.

18 AGENT ARMENTA: And you have the right -- if I ask  
19 a question or something makes you uncomfortable, just to let  
20 me know.

21 MR. RODRIGUEZ: (Indiscernible).

22 AGENT ELIAS: Just let us know.

23 EXAMINATION

24 BY AGENT ARMENTA:

25 Q. Okay? But just like my colleague was saying here,



1 you know, our goal today is just kind of to get your -- get  
2 an understanding of what happened, right? Because D.C. kind  
3 of has their version of what happened and kind of how they  
4 see things and now it's your opportunity to let us know, you  
5 know, what really happened.

6 Because I got to be honest with you, they gave  
7 them this case, right? And they were like, this guy  
8 assaulted a police officer, you know? So, it's like, okay.  
9 You know, let me look into this, see what we got here,  
10 what's going on, just so, you know, I'm prepared, you know,  
11 for the interview and everything.

12 And I started, like, finding these videos on  
13 YouTube of these guys positing Armen Rezz, WeAreLA, Weberz  
14 Way. Are you familiar with those.

15 A. (Nods head.)

16 Q. You know, those guys, those YouTube videos, of all  
17 the protests and rallies in LA, right? And I was like, oh,  
18 what's going on here? Andi was like, oh, dang, that's --  
19 there's Danny, you know? There's D.J.

20 A. Where'd you see me?

21 Q. I think it was -- there was one in Huntington  
22 Beach. There was another one in Hollywood.

23 A. No. But you saw me in an interview or just in the  
24 background?

25 Q. In a interview and then at the protest, right? At

1 the -- they were at Back the Blue rallies. And they were,  
2 you know, at these rallies that were, like, for conservative  
3 values. You know, American conservative values.

4 A. (Crying.)

5 Q. You know? And at that point --

6 A. (Indiscernible).

7 Q. -- like, I was thinking to myself -- because I  
8 thought I had an understanding of what was going on, right?  
9 They said, oh, this guy's, you know, assaulted a police  
10 officer. But then I saw you -- there was a -- I think it  
11 was Hollywood. There were police there standing, right?  
12 They were just maintaining the peace, you know, and there  
13 was this Antifa guy dressed in all black, you know? And he  
14 was just agitating him and just kind of, like -- as if he  
15 wanted them to --

16 A. To hurt --

17 Q. -- do something.

18 A. Yeah, yeah.

19 Q. Right? Like he was instigating --

20 A. Make the cops -- yeah. He's making them look bad,  
21 so that the cops can do something --

22 Q. Right.

23 A. -- and then it going to be all on film and the  
24 cops are abusing you now and --

25 Q. Exactly, exactly. And then I see you, like,

1 intervening and you were like, hey. Hey, dude, chill out.  
2 Like, we're here just -- we're just -- we're, you know --  
3 we're protesting. Like, you need to calm down. It's not  
4 about that. It's not about, you know, that violence and  
5 that anger, because he was riled up.

6 He was super riled up. And you were, like -- you  
7 were pretty calm for the situation, you know? And the  
8 officer was calm, you know? He didn't do anything -- I was  
9 kind of surprised at his restraint, you know? But just kind  
10 of seeing that --

11 A. I'm not even sure what video you're talking about.  
12 Was it with the wheelchair guy?

13 Q. It wasn't that. I don't know if it was that same  
14 day --

15 A. (Laughter.) You know the wheelchair guy?

16 Q. Yeah, I do. I saw that one, yeah.

17 A. He got -- he went -- so, the police were -- they  
18 made a line in the intersection and he goes to -- with his  
19 wheelchair and he rolls up to them and he has a camera, and  
20 he just starts, like, sticking it like this, like, all  
21 under, like, the cop's face. And that's when I first  
22 started going to the rallies. I was still pretty new at  
23 that time. I didn't know anybody and I grabbed his  
24 wheelchair and I pulled him back, like, six or eight feet.  
25 And the cops saw me. I did it right in front of them. I'm

1 like, dude, what are you doing, you know?

2 Q. Yeah.

3 A. And ever since then, they've -- you know, because,  
4 like -- how we met that guy in the wheelchair was he was  
5 coming across the -- before that -- the police started their  
6 line right there, he was coming over the intersection and --  
7 on the crosswalk and he was acting like a victim, like --  
8 you know, I'm like, hey, are you okay? You need help? And,  
9 like -- and then, like, he was -- had a bunch of attitude  
10 and didn't like us.

11 And, like, there were some other people around  
12 there that were just, like, oh, fuck him or he's -- you  
13 know? And, like -- so, like, he was not with us. He was  
14 there, like, against us. And then like, we're, like --

15 Q. Like a agitator.

16 A. Yeah, yeah. And then I don't know what  
17 happened -- this was a while back. This was a long time  
18 ago. And then like, whatever happened -- then, like, it  
19 started getting more intense and the cops came and did  
20 their, like, line. I think there was only, like, eight --  
21 there was, like, eight BLM guys that day in the -- or,  
22 Antifa guys or whatever.

23 And they came because, I guess, a week or two  
24 before that, there was a big fight. And I wasn't there. I  
25 didn't go to the rallies yet. There was a fight. There

1 was, like -- there was something called, like, the Unity  
2 Bridge and there was, like, this guy named Ricky Rebel,  
3 like, some gay guy, and he's all singing, like, M-A-G-A.  
4 Like, it was all, like, a celebration, a festival, and I  
5 guess, like, a big fight broke out.

6           So, I didn't know about that fight, but I found  
7 out from Armen Rezz videos that they're rallying there in  
8 Beverly Hills, so I'm like, oh, I see this. Let me go down  
9 there. So, that was the first time I went down there and  
10 they had come back, these eight guys or whatever. And, you  
11 know, they're all angry and they're, like, in, like, helmets  
12 and, like, goggles, and we're just in regular clothes.

13           And I'm like, hey, what's going on with you guys?  
14 And they're all angry and I started to try to talk to them  
15 and, like, find some common ground. And then that  
16 wheelchair guy came and he, like, wanted to link up with  
17 them, like, they're, like, six or seven, eight Black guys  
18 and, like, you know, he's all like, hey, what's -- I seen  
19 him.

20           You know, he wheels over there. Hey, what's up  
21 guys? Fuck these guys. Oh, the cool guys are here. Like,  
22 that's what he told them, I think. He's like, oh, the cool  
23 guys are here. Yeah, fuck these guys. I don't know. So, I  
24 told him -- I'm like, why don't you suck his dick? And I'm  
25 like, you know -- I know you guys have seen those videos.

1 They've all been sent to me.

2 I'm like, you know -- like, oh, you're right there  
3 by his dick. Suck it. Pull your mask down. Suck it. So,  
4 after that, like, that guy just went after me and hated me,  
5 and so that's how that happened. So, he was aligned with  
6 Antifa/BLM and then they started, like, okay, this is --  
7 this guy with the glasses, take his picture. You know, he's  
8 no good. So that's how I got on their radar.

9 Q. Oh, I got it. So then --

10 A. We all got on their radar somehow or somewhere.  
11 What they would do is they would come to the rallies and  
12 they would take pictures of us and just consistently getting  
13 intel on us. Following you to your car or trying to dox you  
14 on social media. Your license plate, where you work, your  
15 name, your address, whatever.

16 You know, a lot of people I know, you know,  
17 they've had that happen to them and have people come to  
18 their house, and one guy got jumped. And some guy named  
19 Louis, he was former Antifa and then he, like, saw what was  
20 going on. Like, this is not what I want to be a part of and  
21 he came to the Trump side, and they jumped him. They really  
22 messed him up. He was all scarred. He's got still scars to  
23 this day. And --

24 AGENT ELIAS: You know, Danny, I think what my  
25 partner was about to say --

1 MR. RODRIGUEZ: Sorry. Yeah, I went --

2 AGENT ELIAS: Yeah, no.

3 AGENT ARMENTA: It's all right

4 AGENT ELIAS: Why don't you finish that thought  
5 because that was a good thought you had.

6 AGENT ARMENTA: Yeah, yeah. No, no. And I  
7 appreciate the story.

8 AGENT ELIAS: Yeah.

9 AGENT ARMENTA: Because just like what you're  
10 saying --

11 AGENT ELIAS: It's important.

12 AGENT ARMENTA: -- it gives context --

13 AGENT ELIAS: Yeah.

14 AGENT ARMENTA: -- to those things that --  
15 because, yeah, you're right. I did --

16 MR. RODRIGUEZ: You saw the wheelchair guy, yeah.

17 AGENT ARMENTA: I saw the wheelchair, but it was  
18 only a snippet of it, right? It was only, like, you,  
19 like -- but we don't have the whole story, right? And  
20 that's a big thing with the media and everything. You take  
21 little things and -- so, what I'm trying to say is that --

22 MR. RODRIGUEZ: My best friend, he had a brother  
23 that was in a wheelchair and took so much advantage of it.  
24 And I, like, kind of just -- like, if you're in a  
25 wheelchair -- okay. Like you said, like, if you go -- if

1 you're respectful, polite, or -- but this guy was, like,  
2 victimizing himself. Like, I'm a -- so, I was like, oh,  
3 you're not going to do that with me. I'm going to treat you  
4 like normal.

5 AGENT ARMENTA: Yeah.

6 MR. RODRIGUEZ: But he didn't like that, so that's  
7 why they came after me, I guess.

8 BY AGENT ARMENTA:

9 Q. And that's what I'm saying is when I started  
10 watching these videos of you and getting the whole picture  
11 of actually who Danny is, you know, I saw that there's,  
12 like, two sides to you, you know? There was this side that  
13 kind of D.C. had, you know, portrayed, and showed, you know,  
14 and that this is your guy. This is what he did.

15 But then I started looking in -- like I said, and  
16 I saw this Danny who stood in between this angry guy and a  
17 law enforcement officer just in a T-shirt and his red hat.  
18 You know, he wasn't the one with a gun and a baton and  
19 handcuff. You didn't have anything and you stood in between  
20 to protect this trained law enforcement, right?

21 A. Yeah.

22 Q. And you -- and even to say something, because,  
23 like, what person nowadays would even say something, right?  
24 So many people just ignore, look the other way, when they  
25 see, you know, like, these wrongdoings, right?



1 A. Yeah.

2 Q. But you actually had the guts to say something to  
3 that guy and put yourself, you know, in that position -- in  
4 that uncomfortable position.

5 A. Did you see the day that they all came, like, 200  
6 of them, and I stood in the street.

7 Q. Yep.

8 A. You saw that?

9 Q. Um-hmm. And so I think that's kind of what I'm  
10 trying to, like, understand.

11 A. I don't know what happened either.

12 Q. I want to know that Danny, though.

13 A. (Crying.)

14 Q. I want to know that Danny that, you know -- that  
15 kind of intervened in that situation and I want to know how  
16 that Danny got to January 6th.

17 AGENT ELIAS: Your story's an important story.

18 MR. RODRIGUEZ: I just think that -- I don't want  
19 to seem crazy or, like, a conspiracy theorist because you  
20 guy are -- it's going to come out and I'm going to get  
21 locked up because, like, I believe this and --

22 AGENT ELIAS: Listen.

23 MR. RODRIGUEZ: -- it's going to put me in jail.

24 BY AGENT ELIAS:

25 Q. Look. We've done this for a long time. We've

1 talked to -- like I told you, we talk to a lot of people,  
2 and a lot of people are worried about being judged when they  
3 talk to law enforcement that we're going to have an opinion.  
4 And I'm telling you right now, we don't hold judgment over  
5 you. We want you --

6 A. It's going to be the jury and the judge, and it's  
7 going to be a D.C. judge.

8 Q. No, no. But, like, even as a fellow human being,  
9 right? That's what we're telling you is we're looking at  
10 you today as a fellow human, as a fellow citizen of this  
11 country, as somebody who has lived here and put investment  
12 into this country of your work. And you grew up here and --  
13 look.

14 A. I don't have any loyalty to any other country.  
15 Just America. And this is all I know, and this is all I  
16 want. And I don't care about any other part of the world  
17 except for our team.

18 Q. So how did the Danny that stood on the line in  
19 between law enforcement and Antifa/BLM, how did you get to  
20 that point? What happened in your life? Like, how did you  
21 start going to these rallies?

22 A. InfoWars.

23 AGENT ARMENTA: And just --

24 BY AGENT ELIAS:

25 Q. InfoWars? So, like, Alex Jones stuff?

1 A. (Nods head.)

2 Q. Yeah. Okay. Yeah. He's been around a long time.  
3 I know lots of people who listen to Alex Jones. Alex Jones  
4 has some good information. He's got some out there  
5 information, but --

6 A. You know, I just wanted to -- I tried to join the  
7 Army --

8 Q. Okay.

9 A. -- when Trump became President and I was already  
10 35 --

11 Q. Yeah.

12 A. -- and I have, like, a bad, you know, history of  
13 getting arrested with tickets and stuff, right? You saw my  
14 record. So they didn't take me. And I just thought that I  
15 could still contribute by -- you know, I didn't take an  
16 oath, but I could still stand up for those same things on my  
17 own, you know? I don't got to get a paycheck. I could  
18 still do those things.

19 And I wanted to go to the rallies to make -- and  
20 there's too much enemy out there and I wanted to bring them  
21 over to our side. I don't -- when I say, our side, I still  
22 feel like I'm on your side. Like, we're on the same side  
23 even though --

24 BY AGENT ARMENTA:

25 Q. Like you said, the patriot side, right? Like,

1 you're --

2 A. It was so fast. I was a good guy and then,  
3 instantly, I became a bad guy.

4 Q. Tell me about that, Danny. Because you said  
5 InfoWars and --

6 A. I just saw that there's a -- there's people that  
7 have taken over this country from inside, globalist and  
8 unelected officials, elitists, you know? People who are  
9 obsessed with power and control and, you know, a lot of  
10 the -- if you go to LA, you see homeless people and then you  
11 see a Ferrari or Rolls-Royce drive by them.

12 Q. Yep.

13 A. I don't -- I think this is awful that it's so  
14 lopsided and -- you know? I just -- like, the system --  
15 something's wrong. And the politicians are -- you go to  
16 Garcetti's house. His house is two blocks. Gavin Newsom,  
17 Pelosi's nephew, his winery's not being shut down, his  
18 PlumpJack, whatever. You know, he's -- they're all making  
19 money and they're all not being affected and they almost  
20 brag about it. And --

21 Q. While there's still, like, homeless camps all over  
22 LA and -- I was actually in LA not too long ago and it seems  
23 like every time I go back there, there's more and more  
24 homeless. And just like you said, there's, like, a Ferrari  
25 or a mansion two blocks away and there just people

1 struggling.

2           And there's other people, like, regular folks like  
3 you, who are, like, you know, buying a house -- helping your  
4 mom buy a house in Fontana, you know, and it's -- even  
5 that's hard, right? Like --

6           A. Yeah. No, that's true. It was -- yeah. We lost  
7 the house. That cheap house out -- way in the middle of  
8 Fontana, I just couldn't -- we couldn't even do that.

9           Q. It's ridiculous, the housing prices here now.

10          A. But I just thought that, you know -- they lied all  
11 about Trump, saying that he's a bad guy, he's a racist, and  
12 a horrible President and all this. So, no matter what they  
13 did to defeat him, it was justified. Cheat, lie, steal,  
14 whatever, Trump is (indiscernible) bad, bad, and all that,  
15 right?

16                   So we saw that Joe Biden doesn't have a lot of  
17 support. He didn't rally, he didn't have people going to  
18 his rallies, and yet he -- it was a landslide victory for  
19 him. And it just -- you know, it doesn't take -- you don't  
20 have to be that bright to see that it's -- it was --  
21 something wasn't right and it was rigged. And there's all  
22 these people saying, stop the steal, and --

23                   BY AGENT ELIAS:

24           Q. So when did you -- you started going to the  
25 rallies, like, when?

1 A. I think in August.

2 Q. And is that the same time when you started  
3 following InfoWars or was --

4 A. Oh, no.

5 Q. InfoWars was (indiscernible)?

6 A. No, no. I've been following InfoWars for 2008,  
7 2009, maybe.

8 Q. Oh, okay. So a long time, right? Yeah. Yeah.

9 A. But he's the one -- Alex Jones and InfoWars were  
10 the ones who kind of put it out there, you know, that  
11 there's other news that's not on the TV --

12 Q. Yeah.

13 A. -- that they don't want you to -- you know?  
14 There's a half hour of news and they got to put weather and  
15 sports in there. They don't tell you what happened in the  
16 day or --

17 AGENT ARMENTA: Yeah.

18 MR. RODRIGUEZ: You know, they don't tell you a  
19 lot of things. So it was just to seek information is what  
20 it was. I was trying to find the truth and answers. And  
21 when I thought I found the truth and answers, I thought it  
22 was up to me to -- I don't know. I just -- it's like when,  
23 like -- there's a saying, like, to know better is -- knowing  
24 better -- to know better is to do better, you know?

25 So it's like, okay, I know what's going on and

1 nobody's -- I have friends that aren't going to the rallies.  
2 They like Trump, but they're not involved. I have, you  
3 know -- my mom, she supports Trump, but she's not getting  
4 anybody on his side. She's not arguing about him. I'm  
5 like, well, I can do this. I can go talk to people and try  
6 to bring them -- like, educate them and -- you know?

7           Because they really are -- they were killing Trump  
8 supports, shooting them in the head and beating them up in  
9 school and the public, everything, right? So it's like -- I  
10 kept thinking that we were going to go to, like, a civil war  
11 and it's going to go hot and we're just -- it's all going  
12 to -- you know? I don't know.

13           I didn't know -- we didn't -- nobody knew, so we  
14 just thought that it was going to -- we were preparing for  
15 the -- we're trying to save the country. We thought we were  
16 saving the country. I thought I was helping to save the  
17 country.

18           BY AGENT ELIAS:

19           Q. So you started going to the rallies in August of  
20 2020; is that right?

21           A. Yes, sir.

22           Q. And those were all the Trump rallies in, like,  
23 Huntington Beach, like Enrique was saying, or --

24           A. I would go normally regularly to the Beverly Hills  
25 rallies.

1 Q. Okay.

2 A. And I went to some Huntington Beach rallies and  
3 then I would so some, you know, like, Garcetti's house  
4 or wherever -- I don't know. I just -- it was whatever --  
5 somebody made a flyer and then we go and get a flyer and  
6 then we'd go.

7 Q. What was your --

8 AGENT ARMENTA: Who would you --

9 AGENT ELIAS: Go ahead.

10 AGENT ARMENTA: Oh, sorry.

11 BY AGENT ARMENTA:

12 Q. Who would you usually go with?

13 A. I would just go by myself, really.

14 Q. Is that how you got into it? You just saw a flyer  
15 and then --

16 A. I think everybody -- well, I saw it on Armen Rezz.  
17 I think he was, like, on Facebook.

18 Q. Okay.

19 A. And then I just, by accident, got, like, a  
20 recommendation. I had been to that park years ago when  
21 Trump came to town in 2016 and in that park in Beverly Hills  
22 called Beverly Gardens, it was a Trump protest. There was a  
23 thousand anti-Trump people there and showed up. There was,  
24 like, four, five, six of us that were for Trump. So that  
25 park wasn't new to me.



1 I actually went there and I stood -- I argued with  
2 200/300 people there for eight-and-a-half hours, nine hours  
3 without water or food, and I just annihilated every single  
4 one of them. I just beat every -- 200/300 people arguing  
5 against Trump and I just didn't have anything, and I thought  
6 that that was, like, one of my greatest days of my life and  
7 I thought it was something that I needed to be doing.

8 I had a lot of answers and information, and I was,  
9 you know -- because, like I said, I really thought that it  
10 was going to be, like -- a lot of us thought that it was  
11 going to be, like, a civil war. Like, there was going to be  
12 straight on, like -- like the original civil war, you know,  
13 like, almost. You know, like, brothers and sisters and  
14 fathers and -- you know? Everyone's fighting each other,  
15 right?

16 So in my mind, I felt that the more people we --  
17 before it gets to that point, the more people I can educate  
18 or bring over or just make them neutral or see that, you  
19 know, I'm a Trump supporter and they're lying about us, you  
20 know? And, you know, talk to me or -- you know, I was just  
21 trying to make it better if I -- in any way I could. You  
22 know, one person at a time. And that's why I would go to  
23 the rallies and I would try to find the most angry person or  
24 the most trouble -- the biggest troublemaker or whoever,  
25 like, you know, from the -- whatever.

1           And I would try to talk to them or, like, you  
2 know, find some common ground. And that's essentially what  
3 I was just trying to do is just trying to essentially  
4 campaign. I was just campaigning at a rally -- at rallies  
5 and -- on my own and, really, that's how  
6 everybody --everybody just showed up at those rallies by  
7 themselves and we all just started talking to each other  
8 every now and then.

9           Q. You had that one thing to bring you together and  
10 kind of --

11          A. Yeah, yeah.

12                   BY AGENT ELIAS:

13          Q. When did you become convinced that there was going  
14 to be a -- like, a civil war?

15          A. Well, it was always looming in the back of our  
16 minds, you know, because -- I mean, it almost happened with  
17 Hillary and Trump because we felt -- see, the big -- the  
18 Trump movement happened then with Hillary in 2015/2016 and  
19 everything, so we all thought that there was going to be  
20 civil war then. We all didn't trust Obama.

21                   We're learning about, like, Jade Helm and the FEMA  
22 camps, you know? Why are they ordering all these body bags  
23 and what's all this military movement and, you know, these  
24 plastic coffins and, like, there's just hundreds of  
25 thousands, you know? So it started, like, triggering

1 reactions in my mind that, like, you know, this country  
2 is -- I mean, that's how Rome fell. Rome fell from within,  
3 right?

4 Q. Sure.

5 A. I mean, it was -- so, it's like, now the people in  
6 America are -- it's being infiltrated and they're taking it  
7 down from within.

8 BY AGENT ELIAS:

9 Q. So Trump became President --

10 A. Trump became President --

11 Q. -- and you wanted to join the Army in response to  
12 him, like --

13 A. Yeah.

14 Q. -- becoming President?

15 A. I actually did, yeah. Yeah.

16 Q. That's cool.

17 A. Yeah. I actually went to go to the recruiting  
18 office and try to join. And at that time, Trump was still  
19 seen as, like, not a good person. Like --

20 Q. Right.

21 A. Well, it was at the very beginning and I went in  
22 there with my -- I volunteered for Trump. I even -- I did  
23 door-to-door and everything. I went in there to the  
24 recruiting office with my Trump shirt and --

25 Q. Okay.

1           A.    -- I got some weird looks.  And I was like, man,  
2    you guys just -- you guys are not for Trump here?  Like, I  
3    don't get it.  But they just didn't follow politics.

4           Q.    Yeah.

5           A.    And --

6           Q.    I mean, that's super noble, like, that you feel so  
7    compelled to volunteer for the Army because, you know --  
8    that you're motivated because the President was elected.

9                   AGENT ARMENTA:  Kind of inspired you, right?

10                  MR. RODRIGUEZ:  Yeah.  Yeah, yeah.  What's the  
11    questions?  Yeah.

12                  BY AGENT ELIAS:

13           Q.    Yeah.  So I guess what I was going to ask you is,  
14    you know, at some point you thought there'd be a civil war.  
15    Was that -- did that become more real to you in 2020?

16           A.    Well, when they said that Joe Biden won the  
17    election and I saw a lot of video footage of them, like,  
18    stealing, like, pulling the --

19           Q.    The suitcases underneath the table and all that?

20           A.    Yeah, yeah.  And there was, like, postal workers  
21    giving testimony about, you know, this -- my supervisor told  
22    me this and this is not normal and all these ballots and  
23    this and that.  So we knew that our system was not --  
24    there's no point in voting anymore.  That it's over.

25                   That what made this country great and you vote and

1 it's a -- and you elect your President, we can't even do  
2 that anymore. Like, they saw that -- I think what I -- my  
3 beliefs are that an overwhelming number of people came out  
4 to vote for Trump and he actually did win that election, the  
5 popular vote and the electoral vote.

6 And I think that they saw that he was just so  
7 popular and he's not going to lose this next -- his re-  
8 election because the economy's so strong and the virus and  
9 the -- it's, like, the -- I think the virus is -- was meant  
10 more to kill the economy than to kill people. It was really  
11 hurting his reputation, you know, because he has a ego and a  
12 big reputation for being a business man and all that and  
13 then they just want to blame him for -- anyway.

14 They made sure that the election was lost and  
15 there's no point in voting anymore, so it's like -- I'm  
16 thinking they're going to come, like, you know -- they're  
17 going to come round us up.

18 Q. The Trump supports?

19 A. Yeah. We felt -- we always felt that the Trump  
20 supporters were going to get rounded up, even when it was  
21 Hillary.

22 Q. Sure.

23 BY AGENT ARMENTA:

24 Q. I mean, I'm thinking right now, like, that's kind  
25 of a scary thought, right? To, like, feel like you're going

1 to be rounded up for what you believe?

2 A. It's reality.

3 Q. You know? Yeah. It's scary, right? What kind  
4 of -- what'd you guys do to kind of prepare for that or,  
5 like -- because if it was me, I just would -- I wouldn't  
6 just let that happen, right?

7 A. What do you mean?

8 Q. Like, you know, if you feel like you're going to  
9 be rounded up for what you believe, you know, what did you  
10 to kind of defend yourself?

11 A. Well, there's not much I could've done. I mean, I  
12 don't have a -- I'm not financially stable that I couldn't  
13 be home. I don't really have anywhere to go. So you're  
14 saying, like -- I could've been homeless and been living in  
15 a tent or something. You guys wouldn't have found me.

16 BY AGENT ELIAS:

17 Q. Well, did you bond together with any of the other  
18 Trump supporters to try to figure out, like, how are you  
19 going to --

20 A. No. I don't talk --

21 Q. -- make a game plan, or --

22 A. I was afraid of everybody. No. I didn't talk --  
23 I really didn't want to tell anybody anything about what  
24 happened.

25 BY AGENT ARMENTA:

1 Q. Because when I think about, like, defending or --  
2 because I know you were --

3 A. Did we -- did I plan with somebody else to do  
4 something? No. Did we make plans? Did we organize and --  
5 no. Which is -- it was all by, like --

6 Q. Well, I'm just -- I'm asking about -- because you  
7 were attacked, right? At a protest? Antifa folks that  
8 attacked you? Was it, like, in Beverly Hills or something  
9 like that?

10 A. I mean, what do you mean, attacked?

11 Q. Like they fought you.

12 AGENT ELIAS: Assaulted you.

13 AGENT ARMENTA: Assaulted.

14 MR. RODRIGUEZ: No.

15 BY AGENT ARMENTA:

16 Q. That never happened?

17 A. I don't think so.

18 Q. Did it happened to people you know?

19 A. Think you're talking about something else. What  
20 are you talking about?

21 Q. Well, I'm just asking because I know there have  
22 been clashes with Antifa and some conservatives at protests.  
23 You know, just kind of like the example I gave earlier. And  
24 some of them have been violent, like, Antifa has been  
25 violent. Like, would you not agree?

1           A.    Yeah.  But, like, I'm not going to incriminate  
2 anyone that I know that's on my side.

3           Q.    I'm not asking you to incriminate anyone.  I'm  
4 just saying, have you seen Antifa be violent in protests?  
5 You have, right?

6           A.    (Nods head.)

7           Q.    So I'm just concerned, like, if I see that, then  
8 I'm going to prepare myself for that situation.

9           A.    No.  No, I didn't.  Did I buy any body armor or  
10 anything?  No.  Helmets or -- no.  Because I felt my  
11 words -- I felt that -- this might sound weird to you guys,  
12 but I would pray for -- to God to give me the words and the  
13 wisdom and the -- direct me to the right path and to protect  
14 me and to help to just give me the words to help other  
15 people and to open their eyes.

16                   And I felt like I was -- I didn't need to be -- I  
17 never -- every single time I faced Antifa or BLM, I never  
18 once had any feeling ever of, like, fighting them or being  
19 aggressive or angry or stabbing someone or anything like  
20 that.  I saw them as just confused or brainwashed or  
21 manipulated or stupid or something that they -- I just  
22 needed to talk to them and try to get to them.  And I -- it  
23 was never a physical --

24           Q.    They never tried to assault you or to hurt you?

25           A.    They did.  They did.  They tried to antagonize me



1 and, you know, like, slap me or try to steal my hat or  
2 something like that or push me or threaten me or posture up  
3 to me or whatever. But I'm not a --

4 Q. Well, how'd that make you feel like, because you  
5 can only take --

6 A. It made me feel like I was doing something good.  
7 It make me feel like I was doing the right thing. For the  
8 wrong -- for the bad people to be against me, I felt that  
9 that was great.

10 Q. Okay.

11 A. I felt that --

12 Q. That make sense.

13 A. -- when the -- and when the enemy is after you and  
14 they don't like you, you're doing something right.

15 Q. Right.

16 BY AGENT ELIAS:

17 Q. Danny, I got to tell you, your story's kind of  
18 similar to actually some -- with the exception of you, where  
19 you're at presently today, I have some friends who felt very  
20 similar to you. They felt like the 2020 election was  
21 stolen. They felt like Trump had won and won righteously.  
22 And that it was just a matter of time before that would be  
23 found out, that -- or the government that took over post-  
24 Trump would round people up.

25 A. Yeah. That's Q.

1 Q. And in response to that --

2 A. You're talking about QAnon and all of that.

3 Q. Yeah. Some of that is Q stuff, for sure. And in  
4 response to that, people did a lot of things. They went out  
5 and they made preparations for their family. They had  
6 bugout bags. They did all sorts of stuff. Was there any of  
7 that kind of stuff that went on for you?

8 Like, did you make any preparations thinking,  
9 like, the Government's going to come round me up. I need to  
10 get a bugout bag or I need to, you know, buy extra food and  
11 store it up because we might be hunkered down here at home  
12 for a while.

13 A. If I was financially well off, I -- yeah, I  
14 probably would've did more --

15 Q. Yeah. It just didn't happen?

16 A. I just don't have the means.

17 Q. I see. So you go to the rallies in August --

18 A. All my extra money went -- goes to -- was going to  
19 gasoline to get a rally.

20 Q. Yeah. So you go to the rallies from August  
21 through the election, right? And then the election occurs,  
22 and it looks like Biden wins and the election looks stolen.  
23 Fill us in the gap now. That's, like, mid-November of 2020.  
24 How do you get to January 6th? Like, how -- what else  
25 happens in that period of time?

1 A. Trump called us. Trump called us to D.C.

2 Q. Tell me about that. How did he let you guys know  
3 to come to D.C.?

4 A. If he's the commander in chief and the leader of  
5 our country, and he's calling for help -- I thought he was  
6 calling for help. I thought he was -- I thought we were  
7 doing the right thing. I thought we were just -- I had no  
8 plans of what was going to happen. I didn't know what was  
9 going to happen. I'm not a leader of anybody. And I just  
10 had I thought what was good intentions of going and being  
11 involved and being a part of and joining whatever --

12 I didn't know what was going to happen. I really  
13 didn't. I've never seen him talk. I felt it was the last  
14 time that I was going to be -- that I could see the  
15 President talk. He doesn't come to California and do  
16 speeches. I've never seen him in-person speak, so I wanted  
17 to go see him speak. He called for his supporters.

18 If I'm his supporter that's rallying for him  
19 every weekend and I volunteer for his campaign and I'm out  
20 there arguing, I'm on social media, I'm wearing his gear.

21 Q. Sure.

22 A. I was like, I need to be there. And when his  
23 speech was over, I went to the metal detectors because they  
24 took my megaphone away. I had to leave it there. And so I  
25 went back, and I went to go to the area where everybody was

1 dropping their stuff off in the grass, and I grabbed my -- I  
2 found it.

3 And I heard some girl telling another girl, oh, my  
4 mom just sent me this on the -- on Facebook. It says that  
5 they're storming buildings in D.C. And that's what she was  
6 telling her friend and I overheard, and I was like, huh? So  
7 the whole crowd is marching to the Capitol, and I just  
8 followed the crowd.

9 And then when we got there, it looked like it  
10 was -- there was a ton of people already going -- like,  
11 there was, like, already, like, a green fence that was torn  
12 down because I remember, like, walking past some fence that  
13 was -- there as clearly a lot -- there was -- I was clearly  
14 not in the beginning. There was a lot of people that were  
15 there already, and they were trying to get in.

16 And I didn't -- there's no leaders. There's no  
17 playbook. There's no guidance. There's just -- it's just  
18 you don't know what's going on. You just see what's -- you  
19 just look around, and you got people over here singing a  
20 song or doing an interview, waving their flags. And then  
21 you go up to the Capitol Building and they're getting  
22 sprayed in their eyes and just -- it's totally, like, chaos  
23 and havoc and all this stuff. And then like -- so, it's,  
24 like -- it's, like, a whole mixture of everybody.

25 And it's like if you wanted to get in the

1 building, you were over there with those people. If you  
2 wanted to do an interview, you're over here with these  
3 people.

4 AGENT ARMENTA: I'm kind of curious, Danny,  
5 just -- how did you get to D.C. to begin with? Like, did  
6 you fly? Did you drive? Did you take a bus or a train  
7 or --

8 MR. RODRIGUEZ: I'd rather not say because I  
9 don't -- if you guys don't know, I don't want to get anyone  
10 in trouble.

11 AGENT ARMENTA: Well --

12 BY AGENT ELIAS:

13 Q. Okay. Well, then, go back to explaining your  
14 position and -- you followed the people past the green fence  
15 and --

16 A. Yeah. I just --

17 Q. Where did you end up? Did you end up in the  
18 interview side or did you end up in the people going into  
19 the Capitol side?

20 A. I ended up going up to the -- up the scaffolding  
21 to the top.

22 Q. Where the flag was draped?

23 A. (No audible response.)

24 Q. There was a big flag. Very tall scaffolding for,  
25 like, where the media was going to have cameras set up.

1 That one? Or did you go up to the façade, the face of the  
2 building?

3 A. It was -- it's the part where -- you know where  
4 they do the inauguration, the -- like, the little balcony?

5 Q. Yep.

6 A. To the left of that, there was a big  
7 scaffolding --

8 Q. Okay.

9 A. -- in the middle that stuck out.

10 Q. Yep.

11 A. I just went up that.

12 Q. And then what?

13 A. And that's how I got to the top, and I just kind  
14 of hung out there for a while and soaked it in and just  
15 looked around and seen what was going on.

16 Q. And then what happened? At some point, you got to  
17 the Capitol steps.

18 A. Yeah. I went up to the Capitol steps and I was  
19 there for a little while, left, and then I came back again.  
20 Just walked around and just kind of saw what was going on.

21 Q. And you think that's why we're -- you're here  
22 today? Just because you climbed the scaffolding?

23 A. No. You guys kind of told me. That I assaulted a  
24 officer.

25 AGENT ARMENTA: And you don't want to talk about

1 that?

2 MR. RODRIGUEZ: No.

3 BY AGENT ELIAS:

4 Q. Because I tell you what. Everybody else is going  
5 to talk about that.

6 A. Yeah. I'm pretty ashamed.

7 Q. I mean, the -- like Enrique said, there's a story  
8 that's being written about Danny Rodriguez and right now  
9 D.C. has told that story to a judge. And the court of  
10 public opinion has a story from the Huffington Post, has a  
11 story from Waterspider on Twitter, from Antifa and BLM.  
12 They're telling the --

13 A. You guys have probably seen --

14 Q. -- Danny Rodriguez story.

15 A. -- my videos. I mean, I don't know all these  
16 videos.

17 AGENT ARMENTA: Chad Loder, Desertborder --

18 MR. RODRIGUEZ: Yeah.

19 BY AGENT ELIAS:

20 Q. They're all telling the Danny Rodriguez story.

21 A. I haven't seen any of those.

22 Q. But here's your opportunity to tell us your story.

23 A. My story is just that we thought that we were  
24 going to save America, and we were wrong.

25 Q. At some point, you ended up on the Capitol steps

1 with a taser in your hand. And somehow you felt what you  
2 were doing was the right thing to do. Somehow you were  
3 maybe misled. Maybe that call that the commander in chief  
4 gave was that strong call that tugged on your heart and  
5 said, now's the time to protect your country, to be a true  
6 patriot.

7 A. Yeah.

8 Q. And you got up there with a lot of gusto and a lot  
9 of desire to be a true patriot, but the problem that we have  
10 right now is we only get one side of the story. And my  
11 words aren't going to be the story that writes Danny  
12 Rodriguez's story. And you had asked earlier about how do  
13 you help yourself out of this situation.

14 And if you really want to help yourself out, you  
15 tell us a hundred percent the truth. And you let the U.S.  
16 Attorney's Office in D.C. know that you're willing to  
17 cooperate with and explain to them everything that happened  
18 and take responsibility, because I've done this game for a  
19 long time as a law enforcement officer, so I'm going on  
20 23 years. And everybody that I know that I have worked with  
21 where they have stepped forward and told the courts and told  
22 the prosecutor, look, I take responsibility, the judge looks  
23 at that favorably.

24 In fact, the law says that we have to take in  
25 consideration your cooperation, if you cooperate. And



1 your -- and any attorney would tell you that. And so, all  
2 we can do right now is -- we're in a position to make a  
3 recommendation to tell the prosecutor, look, here's the  
4 Danny Rodriguez that we heard and here's the Danny Rodriguez  
5 that told us his story. He told us what happened.

6 He told us his point of view, and he shared with  
7 us and he wants to come forward and he wants to explain  
8 everything. But right now, you're kind of leaving us in a  
9 lurch right now because we're -- we don't know the story.

10 A. What am I leaving out?

11 Q. Well, you're not telling us about how you ended up  
12 on the Capitol steps, in the tunnel, how Officer Fanone got  
13 pulled out.

14 A. I don't know how he got pulled out. I came up --  
15 I walked back up -- I think I left. I was in the tunnel and  
16 they were, like -- there was --

17 Q. Were you there when they were doing the heave-ho  
18 and squeezing that officer?

19 A. That's when I got out of there because they were  
20 smashing me. And I think they were -- somebody else in --  
21 okay. So somebody else right in front of me got pepper-  
22 sprayed right in the -- like, right in their eyes. I've  
23 been pepper-sprayed and it's freaking bad. And he --

24 Q. Were you pepper-sprayed there at the Capitol?

25 A. Oh, no, no.

1 Q. Okay. This is a previous time.

2 A. Yeah. I was pepper-sprayed by BLM. They had a --  
3 oh, excuse me. Excuse me. They had this -- there was this  
4 guy in front of me. So everybody -- man, it was just so  
5 tight. Like, you could not breathe. Like, there was just  
6 people pushing you. Like, you -- like, I'm in the tunnel,  
7 but I'm not pushing. I'm getting squished.

8 There's a guy in front of me who got sprayed and  
9 he got his body turned around, so he's facing me, but he  
10 can't leave. Like, he's getting squished, and he's blind  
11 and he's facing the wrong way. And I'm looking at him and  
12 I'm trying to pull him out of there. So I pull them out of  
13 there and I left. I left the tunnel when the heave-ho was  
14 going on. That's when I got out of there because I was  
15 getting squished.

16 Q. Did you participate in that heave-ho, though?

17 A. No. I'm getting squished.

18 Q. Okay.

19 A. No, the people --

20 Q. You didn't say heave-ho or anything like that?

21 A. No.

22 Q. You weren't part of that?

23 A. No. The heave-ho was coming -- I think the --  
24 okay. So what I learned from the heave-ho later on was -- I  
25 don't know if this is true or not, but I think they were

1 doing heave-ho to smash an officer.

2 Q. That's what it appears on the video.

3 A. Okay. So when they were doing the heave-on, when  
4 it was -- when I was in there and that was going on, I  
5 didn't know that. I thought they were -- it was not for --  
6 what I learned, I think, afterwards was there was a cop in  
7 the side by a door or something.

8 Q. Yeah.

9 A. And he was getting squished. And I didn't -- I  
10 don't know if that's what they were -- they were trying to  
11 smash him or not. But in the -- there's, like -- the  
12 officers had shields and, like, a -- they were on a -- I  
13 don't know how deep that -- I don't know how many of them  
14 there were --

15 Q. In the tunnel?

16 A. -- and if they could hold us back. But there were  
17 so much patriot -- like, there were so many people pushing  
18 on me --

19 Q. Yeah.

20 A. -- that I don't know -- that I was getting my  
21 lungs crushed, so I couldn't breathe.

22 Q. Yeah.

23 A. So the -- I don't know how they were able to hold  
24 us back.

25 Q. Yeah.

1           A.     But that's when I got out of there. I pulled that  
2     guy out of there and I got out of there because I couldn't  
3     breathe and that guy was sprayed, and then that's when --  
4     and I think I took, like, an hour, half hour, or something  
5     break.

6           Q.     And then you went back up the steps?

7           A.     I went back up the steps and they were pulling  
8     someone out and I didn't know what -- who they were pulling  
9     out. I thought it was one of the Trump supporters they were  
10    pulling out. And then I saw who it was. It was some kind  
11    of officer.

12          Q.     Yeah. So what happened?

13          A.     So you saw the video what happened, I did.

14          Q.     Yeah, but --

15                 BY AGENT ARMENTA:

16          Q.     Danny, this is -- like my colleague said, this is  
17    your opportunity to tell us --

18          A.     I'm so, like, embarrassed and ashamed of that.

19          Q.     The way you can help yourself is by being  
20    completely honest with us, okay? And that means not leaving  
21    things out, okay? Do you know what a lie of omission is?

22          A.     What's a lie and omission?

23          Q.     Lie of omission is kind of like if I ask you a  
24    question and I don't ask you, like, the direct question.  
25    Like, when's the last -- if I'm selling you a car and I'm

1 saying -- and I'm buying a car from you and I say, when's  
2 the last time the car's been serviced? And you're like, oh,  
3 it was serviced last week. It's good to go. But you didn't  
4 tell me that when it was serviced they found out the  
5 transmission was shot, tires were bad --

6 A. Okay.

7 Q. -- all this stuff. So those are, you know, facts  
8 that I would want to know and what I was trying to get at.

9 A. (Indiscernible).

10 Q. You didn't necessarily lie, but it's a lie of  
11 omission because you left key facts out.

12 A. No. I just came up to the steps again, and I saw  
13 them pulling him out, and I tased him.

14 BY AGENT ELIAS:

15 Q. How many times did you tase him?

16 A. Oh, just once.

17 Q. Where'd you tase him at? Like, on his body.  
18 Where?

19 A. Neck.

20 Q. In the neck? Did you do it twice?

21 A. No. No, for sure --

22 Q. Because the video shows it twice.

23 A. No. No. The video -- if the video shows it  
24 twice, it's a replay or something.

25 Q. So you just did it once?

1 A. Yeah.

2 Q. Why did you tase him?

3 A. He was struggling with these -- I didn't know what  
4 they were going to do to him, but I just, you know -- I  
5 thought that he was going to, you know -- I don't know. I  
6 really don't know exactly why I tased him.

7 Q. So I want you to think in your mind that -- my  
8 partner and I, we got here to talk to you and it's not  
9 January 7th. It's not January 10th. It's March 31st. What  
10 do you think we've been doing between January 6th and  
11 March 31st?

12 A. Rounding people up?

13 Q. No. We've been focused on you. We've been trying  
14 to figure you out and we know a lot about who your friends  
15 are. We know a lot about how you got to D.C. We know a lot  
16 about how you spent your money before you went to D.C.  
17 and --

18 A. Can you share any of this with me?

19 Q. Well, here's the deal --

20 A. What do you mean, how? What money do I have?

21 AGENT ARMENTA: What he's trying to say is that we  
22 know about 99 percent of the questions that we're asking  
23 you. So that there's -- that it's completely clear and all  
24 our cards are on the table, that it's really important that  
25 you be completely honest with us and tell us everything,

1 especially without us saying that -- these facts and then  
2 you later agreeing to them. It looks better if you just  
3 give us those facts.

4 MR. RODRIGUEZ: Okay.

5 BY AGENT ELIAS:

6 Q. We're not trying to trick you. We just want you  
7 to put your -- everything on the table. And I don't want it  
8 to be -- we're not -- if we're going to put all cards on the  
9 table, I'll tell you right now, there's other people today  
10 that are being talked to and the -- remember we talked about  
11 the story that's being written by -- about Danny, right?

12 Danny gets to choose if he writes a story today  
13 with us. But right now, the story that's being told is by  
14 D.C. -- is by Antifa, BLM, and the Huffington Post, and is  
15 going to be told by the people that we're talking to today  
16 that choose to talk to us. And they may tell a story about  
17 the Danny Rodriguez. So if you're making things up or  
18 you're leaving things out, that puts us in a bad spot  
19 because we can't go to the prosecutor and say, no --

20 A. No, I didn't make anything up.

21 Q. -- Danny's a standup guy.

22 A. I haven't made anything -- I haven't lied or made  
23 anything up.

24 Q. Okay. Well, but why do you think we're bringing  
25 this up to you about lying and making things up or leaving

1 things out?

2 AGENT ARMENTA: Or lies of omission.

3 BY AGENT ELIAS:

4 Q. We're bringing that up because we want to give you  
5 a chance right now to clear that up with us, clear that  
6 space up with us. We know that you had a taser.

7 A. Someone gave me a taser there.

8 Q. Someone at D.C.? Or before you got to D.C.?

9 A. No. A stranger.

10 Q. A stranger?

11 A. It was actually a stranger.

12 AGENT ARMENTA: Are you lying to us, Danny?

13 MR. RODRIGUEZ: No.

14 AGENT ELIAS: You know it's a separate crime to  
15 lie to a federal agent.

16 MR. RODRIGUEZ: Okay. I mean, I'm not lying.

17 BY AGENT ARMENTA:

18 Q. Just so you know, it's -- it is -- it's a crime to  
19 lie to us, okay?

20 A. I asked --

21 Q. And that's -- that could be a separate charged.

22 A. -- if anyone had a taser (indiscernible) and they  
23 did. I said, we need a taser.

24 Q. Who gave you a taser?

25 A. I don't know. I really don't know. And they



1 didn't get it back. Like, I turned -- I tried to give it  
2 back and then I kept it. Well, I don't have it now.

3 AGENT ELIAS: (Indiscernible).

4 MR. RODRIGUEZ: (Indiscernible).

5 AGENT ARMENTA: Well, let me stop you right there.

6 MR. RODRIGUEZ: I threw it away.

7 AGENT ELIAS: Where?

8 MR. RODRIGUEZ: When I came back from D.C.

9 BY AGENT ARMENTA:

10 Q. Like my colleague was saying, there are other  
11 be -- people being talked to right now, okay? That are  
12 talking to other agents like us and they're telling us their  
13 story. And --

14 A. Who are you guys talking to? The people that I  
15 know, you're saying?

16 Q. And, Danny, it shouldn't matter to you because  
17 you're being completely honest with us, right?

18 A. Yes.

19 Q. So it shouldn't matter who we're talking to or  
20 what information they're giving us.

21 A. Right.

22 Q. And I'm saying that because it is absolutely  
23 important right now, all cards on the table. I don't want  
24 any confusion for you right now, okay? It is imperative  
25 that you be completely honest with us, because all those

1 people are going to say something, right? And they're going  
2 to tell a story.

3 They're going to tell their version of the story  
4 and what happened. And if their version matches up and it's  
5 not what yours is, there's going to be a problem, right?  
6 And right now, you're the one looking at -- you're in the  
7 most trouble right now, okay? I think you understand that  
8 already.

9 A. Yeah.

10 Q. So who do you think D.C. is going to look at when  
11 those stories don't match up?

12 A. (No audible response.)

13 Q. So I say that because I need you to be completely  
14 honest with me.

15 A. Nobody. I don't have anybody else to --

16 AGENT ELIAS: Okay.

17 MR. RODRIGUEZ: I was there by my -- I mean --

18 BY AGENT ELIAS:

19 Q. All right. Let's bust the bubble for a minute.  
20 Let's talk about the van trip from LA to D.C.

21 A. Okay.

22 Q. Who was in the van with you?

23 A. We had some strangers go with us that we met and  
24 there was --

25 Q. Strangers that were in the --

1 A. There was --

2 Q. -- Patriots 45 MAGA --

3 A. In the --

4 Q. -- chat group?

5 A. After. Yeah. We met them through the -- on that  
6 day, though. So there was people that went with us that  
7 just wanted to go to D.C. that wanted a --

8 Q. Like who?

9 A. There was a woman named Marci (ph.). There was a  
10 guy named Al. There was a guy named -- Marci, Al -- you  
11 know my friend, Edward. And Andy. The Asian guy, Andy.

12 Q. Okay. Tell us about those people.

13 A. I haven't talked to them since.

14 Q. Okay. That's not what I said.

15 A. Okay. So Andy was a friend of some woman that  
16 went to the rallies and she recommended him, and Andy never  
17 been to a rally before but he really was a Trump supporter  
18 and wanted to go to D.C., so he went with us. Marci was,  
19 like, a older lady and she also was a Trump supporter and --  
20 I don't remember anything really about Marci. She was  
21 just -- she's, like, a Hispanic lady, older. I don't know  
22 nothing really else about her.

23 Al, we picked him up in Scottsdale on our way. He  
24 needed a ride, too. They're just regular people. They're  
25 not extremists or they didn't make -- like, they weren't

1 trying to do anything crazy. They didn't do anything when  
2 we went.

3 Q. What about Ed? You mentioned Ed.

4 (Indiscernible) --

5 A. Edward and I are not talking anymore.

6 BY AGENT ARMENTA:

7 Q. Why not?

8 A. We had a falling out. I ended up talking to his  
9 ex-girlfriend after the trip, so me and him are not friends  
10 anymore.

11 Q. That Frischkorn?

12 A. Um-hmm. Is she going to be in trouble?

13 AGENT ELIAS: Danny, you need to concern yourself  
14 with yourself right now because my concern is you -- as much  
15 as you're holding back from us right now -- because you know  
16 we know all the names. You know we've looked at your phone  
17 records, your bank records, we -- and we've done it with  
18 everybody else, so why hold back?

19 AGENT ARMENTA: You're making it really hard for  
20 us to help you.

21 MR. RODRIGUEZ: What am I holding back? I told  
22 you about the van.

23 BY AGENT ELIAS:

24 Q. Let's go back to the Patriots MAGA 45 group. Is  
25 that what it was called?

1 A. Patriots MAGA 45. On the Telegram?

2 Q. Yep. Let's talk about Telegram.

3 A. There was a couple of groups on the Telegram and I  
4 don't remember the names.

5 Q. Okay. How'd those start?

6 A. One of them Edward started and that was --

7 Q. What was that one called?

8 A. I don't know. I changed the name of that one. I  
9 think it was called MAGA Gang.

10 BY AGENT ARMENTA:

11 Q. You were an administrator for that one?

12 A. Yes.

13 Q. What was the purpose of that group?

14 A. I think just to stay in communication in case  
15 civil war or something. I don't know. I didn't start it.  
16 I was just -- it's just -- it was just people from our --  
17 that we would meet and, you know, try to make a circle of  
18 friends, likeminded individuals, you know? People that you  
19 can trust, I guess, like, to count on or you ever needed  
20 help or talk about politics or get some stuff off your  
21 chest. As far as I know.

22 I mean, that's what Telegram is, is just -- it's  
23 just a bunch of people that -- trying to find -- because if  
24 you go to Facebook, it's -- I mean, Telegram's more of a  
25 safe place.

1 AGENT ELIAS:

2 Q. Why?

3 A. Because it's not -- it's more private. It's  
4 not -- what do you call it? You can share videos and things  
5 on there. And if you put it on Facebook, it won't go  
6 through or it won't share --

7 Q. Sure.

8 A. -- or it'll get taken off or something gets  
9 censored, so it's, like -- it's less censored.

10 Q. So who was in this MAGA Gang group?

11 A. There was a lot. At one point, there was, like,  
12 30 or more than 30.

13 Q. Okay.

14 A. And right now, there's probably in the 20s.  
15 People will come and go or -- and I don't know all of them.  
16 I really don't. I don't know a lot of those people. And  
17 some of them maybe I do know or I've seen their face or I  
18 don't know their name or maybe I only know their name or not  
19 the -- like, I don't --

20 Q. Who do you know that's in that group? Who do you  
21 know?

22 A. Edward.

23 Q. What's his last name?

24 A. Badalian.

25 Q. And who else?

1 A. I'd have to see the group.

2 AGENT ARMENTA: Come on, Danny.

3 MR. RODRIGUEZ: No --

4 AGENT ARMENTA: Just who's --

5 BY AGENT ELIAS:

6 Q. Kayla (ph.) in there?

7 A. Yeah, probably. Kaylin (ph.).

8 Q. Kaylin?

9 A. Um-hmm.

10 Q. Okay. Who else?

11 A. Oh, there is a Kayla. There is a Kayla.

12 Q. Are both of them in there? Kayla and Kaylin?

13 A. Probably.

14 Q. What about Andy?

15 A. Yeah. Andy got added afterwards. Edward added  
16 Andy as administrator.

17 AGENT ARMENTA: What about Mellow (ph.)?

18 MR. RODRIGUEZ: Mellow went with us. I don't  
19 know --

20 AGENT ELIAS: What's Mellow (indiscernible) name?

21 MR. RODRIGUEZ: -- a lot about Mellow. Mellow is  
22 somebody who -- he's not on Telegram. I tried messaging him  
23 before and he doesn't respond, and he'll just show up to the  
24 rally sometimes. I met him because, like, he's, like, a  
25 friend of a friend. He's, like, a little, short French guy

1 and, like, real easy to get along with.

2 BY AGENT ARMENTA:

3 Q. Whose friend is he?

4 A. He was, I think, this girl named Lisa. She went  
5 by Lisa Simpson, but she doesn't live around here anymore.

6 Q. Okay.

7 A. You know Lisa Simpson?

8 Q. Um-hmm.

9 A. So Lisa Simpson, she was, like, a big personality  
10 and friendly, you know? Just like -- okay. So I met her  
11 and then it's like friends of her -- she has other friends.  
12 And you get, like, a -- you know, this person's -- you meet  
13 people through other people at the rallies and --

14 AGENT ELIAS: Was Lisa in the MAGA Gang group.

15 MR. RODRIGUEZ: I think at one point.

16 AGENT ELIAS: Okay.

17 BY AGENT ARMENTA:

18 Q. Who else was in it that you can think of?

19 A. Enrique. Enrique's a good friend, but he never  
20 went -- he never go to D.C. and he doesn't get in trouble.  
21 He's a good guy. There's a lot of people that -- Chris  
22 Almonte. He's a really good guy. He's not part of  
23 anything, like, that you guys would want him for.

24 Q. Did he go to the Capitol?

25 A. Yeah, he did. But he wasn't -- he's one of those



1 nonconfrontational, just not arguing with people, and just  
2 hanging out kind of guy. That's who was in the van.

3 AGENT ELIAS: So in the van was who again?  
4 Because we were going over the MAGA Gang, so let me go over  
5 the van.

6 MR. RODRIGUEZ: Okay. The van is Marci, Andy,  
7 Edward --

8 AGENT ARMENTA: Do you have last names, too?

9 MR. RODRIGUEZ: Marci, no. Edward Badalian. Al,  
10 I don't know his last name. Who else was in the van?

11 BY AGENT ELIAS:

12 Q. Lisa Simpson?

13 A. No. Lisa wasn't in the van.

14 Q. Kaylin?

15 A. No. She wasn't --

16 Q. Chris Almonte you said, yes?

17 A. (No audible response.)

18 Q. Enrique?

19 A. No. None of those people were in the van. Those  
20 are the people from the --

21 Q. Okay.

22 A. -- Telegram. (Indiscernible) --

23 Q. Who rented the van?

24 A. It was Edward.

25 BY AGENT ARMENTA:

1 Q. And you said Mellow was, too?

2 A. Mellow was in the van.

3 Q. Mellow was in the van? And Kayla or Kaylin?

4 A. (Shakes head.)

5 Q. Neither one of them were?

6 A. Mm-mm.

7 Q. Okay.

8 AGENT ELIAS: Did you guys all chip in for gas?

9 Who paid for the van and the --

10 MR. RODRIGUEZ: Edward paid for the van. I ended  
11 up putting in, like, a hundred bucks, but Edward was  
12 determined to --

13 BY AGENT ARMENTA:

14 Q. Did Edward rent the van?

15 A. Yeah.

16 Q. Did he rent it with someone else?

17 A. I don't know. I mean, maybe with Kaylin.

18 Q. With who?

19 A. Maybe with Kaylin.

20 Q. Kaylin?

21 A. I don't know, because he was -- he made all the  
22 arrangements and there was some kind of misunderstanding  
23 with the van. We were going to get a different van, like, a  
24 bigger van, like a commercial van or something, and  
25 something happened that he didn't know, that he couldn't get

1 it, or whatever and --

2 Q. Is that when him and Kaylin were still together,  
3 or --

4 A. Shit, I think they're still together.

5 Q. Okay. Okay. So they went together to get the van  
6 then?

7 A. I don't know. I don't -- I wasn't in the thing,  
8 how it happened. I don't know what it cost or who put their  
9 name --

10 Q. Okay.

11 A. I mean, they did it together.

12 BY AGENT ELIAS:

13 Q. Who drove?

14 A. I drove part of the way.

15 Q. Did everybody take turns driving pretty much or --

16 A. Most, yeah. There was probably one or two people  
17 that didn't.

18 Q. Yeah.

19 A. Like, Mellow doesn't have a driver's license, do I  
20 didn't want him driving.

21 Q. Okay.

22 A. Or he doesn't have a car. I don't know if he has  
23 a driver's license but he didn't have a car, so I was like,  
24 you're not going to drive if you don't have a car. I mean,  
25 I don't know how you're going to drive.

1 Q. Did Ed drive?

2 A. Um-hmm.

3 AGENT ARMENTA: And what was the idea? Like, why  
4 drive a van? Why not just fly or -- because that's a long  
5 way to drive.

6 MR. RODRIGUEZ: I don't fly because I have issues  
7 with flying. But there was an idea that, if anybody needed  
8 to take anything, like, weed maybe, knife, pepper spray,  
9 that stuff's not going to be able to get on the plane.

10 AGENT ARMENTA: That makes sense.

11 BY AGENT ELIAS:

12 Q. So were those things taken?

13 A. (No audible response.)

14 Q. I take it because you listed them to us, yes.

15 A. Yeah.

16 Q. So people took weed --

17 A. Yeah. I took weed. I took a knife. I took  
18 pepper spray.

19 Q. You took pepper spray?

20 A. I mean, I didn't use it. I mean, I kept it in the  
21 van. It was in my bag.

22 BY AGENT ARMENTA:

23 Q. What about a gas mask. Did you take a gas mask?

24 A. I was provided a gas mask.

25 Q. From who?

1 A. Edward.

2 Q. What other items did other people take? Did other  
3 people take knives, pepper spray, or gas masks?

4 A. I don't know. Maybe there was --

5 Q. I mean --

6 A. I remember seeing a can of wasp spray.

7 AGENT ELIAS: (Indiscernible)?

8 MR. RODRIGUEZ: Wasp spray.

9 AGENT ELIAS: Oh, yeah.

10 MR. RODRIGUEZ: (Indiscernible) --

11 BY AGENT ELIAS:

12 Q. Did anybody claim that that was theirs? They were  
13 going to take that to use it?

14 A. I don't know. I told them not to use it,  
15 whoever's it was. I think it was Marci's.

16 Q. Okay.

17 A. But I was like, that's not -- that's going to  
18 blind somebody and do permanent damage.

19 BY AGENT ARMENTA:

20 Q. Did anybody give you guys anything to take for  
21 them?

22 A. Not me, personally, no.

23 Q. What about the group that you know of?

24 A. I don't know. I didn't take anything from  
25 anybody.

1 BY AGENT ELIAS:

2 Q. All right. You know what we're driving at. We  
3 already know. We know the taser was -- there was  
4 arrangements with the taser before you guys left LA.

5 A. I didn't take anybody's taser.

6 Q. So who took the taser?

7 A. I don't know. There was -- I saw a -- like, a  
8 light blue taser.

9 Q. Who transported that?

10 A. I guess it was just all of us in the van. What do  
11 you mean? Like, I didn't carry it. I didn't have it --

12 Q. Whose taser was it?

13 A. I think it was Kayla's.

14 Q. Kayla's?

15 A. Kayla. There's Kaylin and there's Kayla.

16 Q. Right. So Kayla -- it was Kayla's taser and she  
17 asked somebody in the group to take the taser?

18 A. Yeah. She might've said it -- she might've asked  
19 me.

20 Q. She asked you.

21 A. But she -- and I told her, yeah, or something, but  
22 I never got it.

23 BY AGENT ARMENTA:

24 Q. But you saw it.

25 A. I remember seeing a light blue taser, yeah.

1 Q. In the van?

2 A. Somewhere, yeah. It was, like, a baby blue one,  
3 but I never used it or -- that's it.

4 Q. Do you know who had it?

5 A. Mm-mm.

6 Q. Where did you see --

7 A. I don't think anybody had it.

8 Q. But where did you see it in the van?

9 A. I don't know. Maybe somebody just, like, had it  
10 in their hand or something. Like, was just, like, putting  
11 it into somewhere, but I remember seeing there was a light  
12 blue taser, baby blue.

13 Q. Because I was just thinking, if I'm bringing a  
14 taser, like, you would know about it because I'd be playing  
15 with it or I'd be, you know, joking around --

16 A. You know what? There was another taser. There  
17 was two tasers.

18 Q. Okay.

19 A. There was a -- Andy bought a taser, but we never  
20 used it. I think it got returned. Think he bought it and  
21 Edward was like -- yeah. I think he said -- I think we got  
22 a call or message or something. He's like, hey, I'm buying  
23 stuff. I'm at the store. There's a taser here. Should I  
24 get it? Or something like that.

25 And I don't remember but I think Edward was like,

1 oh, yeah. Like, it was a flashlight and a taser combination  
2 and that was what somebody was playing with. You're right.  
3 Somebody was, like -- you know, like, if you have a taser,  
4 you're (indiscernible).

5 Q. Yeah.

6 A. So --

7 Q. We have cops here who, like, play with tasers, so  
8 I know you guys were --

9 A. It was that flashlight one, but nobody used that  
10 on anybody and that got returned to the store, I believe.

11 Q. Okay.

12 A. I think. But that baby blue one was Kayla's, but  
13 she never got it.

14 BY AGENT ELIAS:

15 Q. Why did she ask you to take the taser?

16 A. We've had issues. We've had issues with BLM and  
17 Antifa. I'm telling you.

18 Q. Sure.

19 A. I've been pepper-sprayed. That guy Gabe that used  
20 to be a friend of mine, he was stabbed for wearing a MAGA  
21 hat. He got stabbed in his arm. Edward got jumped on  
22 Halloween. We've had a knife pulled out on us here in  
23 Riverside on -- over by the Tyler Mall. We did a rally and  
24 some guy came out with a big, ass knife on us and told us to  
25 get out of there.



1           We've had a -- I had a gun pulled out on me. Not  
2 pulled out, but he opened his trunk and he had a gun in his  
3 trunk, because we were in Venice Beach and I was the last --  
4 we had our flags. So we've had -- been stabbed, I've been  
5 pepper-sprayed, knives, guns --

6           Q.    Sure.

7           A.    -- so, it just comes with the territory. Like you  
8 said, you know, like, cops have their guns and we were just  
9 out there with --

10          Q.    So how many days before you guys left did Kayla  
11 come to you and say, can you take this taser for me?

12          A.    Before we left? Oh, I don't know. I don't  
13 remember when she got it. I really don't know how she got  
14 it to Edward. He met her or she met him or he -- they  
15 live -- Edward lives far from me. I live over here and --

16          Q.    But when did Kayla give you the taser?

17          A.    She didn't give it to me. I don't know.

18          Q.    You told me earlier that she asked you to take it.

19          A.    She asked me to take it, but I never saw her. I  
20 didn't get it from her.

21          Q.    You got it through Ed?

22          A.    No. No, no, no. She gave it --

23          Q.    So how'd you get it?

24          A.    -- to Ed. I never got it. I never --

25          Q.    Okay. That's what -- okay. So she -- Kayla gave

1 it to Ed --

2 A. She didn't give it to me. She gave it to him  
3 instead.

4 Q. And Ed gave it to you?

5 A. No. I never got it.

6 Q. Okay. So she asked you to take it, but you never  
7 took receipt of it?

8 A. Yes, sir. She asked if I could take it. I think  
9 she asked --

10 Q. Somehow Ed, though, was -- to your understanding,  
11 Ed ended up with the taser and it came with you guys in the  
12 van.

13 A. Yeah.

14 Q. That's correct?

15 A. Yeah.

16 Q. Okay.

17 A. But nobody -- I don't think it ever left the van.

18 BY AGENT ARMENTA:

19 Q. Danny, I think -- let me just kind of stop you  
20 right there because I want you to just be absolutely clear  
21 on where we're coming from here, okay? So you're telling us  
22 that you -- Ed got a taser, he had it, you never had it, and  
23 you never used it.

24 A. Ed got it. Ed got the light blue baby -- taser, I  
25 believe, from Kayla to give to her when she was in D.C.,

1 when they saw each other again.

2 Q. Okay.

3 A. But she -- because she couldn't take it on the  
4 plane, I guess. I don't know if those are not allowed on  
5 the plane? So he -- she never got it or needed it and we  
6 just brought it back in the van with us. And then there was  
7 another taser that was bought right before we left and  
8 Edward said, I think, that he was going to -- he wanted it  
9 and then never used it either. Stayed in the van as well  
10 and then that got returned to the store.

11 Q. And see, that's where I'm having the hard time  
12 here is because Kayla gave you guys a taser, gave it to Ed,  
13 you had it, and you --

14 A. No, I didn't have it.

15 Q. Not you. It was in the van, the group had, and  
16 then you had it -- or, the group had it when you went back.  
17 But then in the middle on the 6th, you got a taser from  
18 someone else. Some random person.

19 A. A black one.

20 Q. Gave you a taser and that's what you used on the  
21 officer.

22 A. (Nods head.)

23 Q. You see how that's kind of weird to me?

24 A. No. I mean, no, I don't. What's weird?

25 BY AGENT ELIAS:

1 Q. Well, describe to us more, then, how you ended up  
2 with this other taser from some random stranger because,  
3 right now, it seems a little more logical that the taser  
4 that was used by you was the taser that was brought from LA.

5 A. Yeah, for sure.

6 Q. So explain to us. We're happy to listen.

7 A. I just asked. I said, we need a taser. I yelled.  
8 I yelled in the tunnel. I'm like, we need somebody with a  
9 taser up here. And someone pulled it out of their pocket  
10 and gave it to me, and it was, like, in a little leather --  
11 it was, like, a little pouch. It was, like, square. Almost  
12 like a pack of cigarettes, like a square. And then I didn't  
13 know how to use it or turn it on and I'm like -- I was like,  
14 what is this?

15 And then like the guy takes it back from me or I  
16 give it back to him and he takes it out of the case. And  
17 then he flips a switch, and he tests it or pushes it for me,  
18 and he gave it to me.

19 AGENT ARMENTA: Didn't you just say it was a Black  
20 woman that gave it to you?

21 MR. RODRIGUEZ: No?

22 AGENT ELIAS: Yeah, you did.

23 MR. RODRIGUEZ: A Black woman? No, I ask the  
24 taser was black.

25 AGENT ELIAS: No, you said a Black woman gave it

1 to you. You interrupted him to say --

2 MR. RODRIGUEZ: No, I --

3 AGENT ELIAS: -- it was a Black woman that gave it  
4 to you.

5 MR. RODRIGUEZ: -- for sure haven't said anything  
6 about a Black woman.

7 AGENT ARMENTA: You did.

8 MR. RODRIGUEZ: Where's the cameras or the  
9 recording? There's no -- I never said, Black woman.

10 AGENT ARMENTA: Okay.

11 MR. RODRIGUEZ: What do you mean, Black woman? I  
12 never said anything about a Black woman.

13 BY AGENT ELIAS:

14 Q. All right. So it -- you're willing to accept the  
15 fact that the taser you had was from some random stranger.  
16 And if any of your friends that we're interviewing today  
17 tell us something to the contrary, how will that reflect on  
18 you?

19 A. Oh, they're not. It's a hundred percent true.  
20 It's a hundred percent true. It was just (indiscernible) --

21 Q. Because you remember, your --

22 A. I'm not lying. I will not lie. I'm not lying.

23 Q. And I think you are.

24 A. I'm not. I'm not going to --

25 Q. And I'm going to explain to you why if you keep

1 going.

2 A. You think I'm protecting them because of the  
3 taser? No.

4 Q. Because I -- you told us you were in the tunnel  
5 when you called for a taser.

6 A. Um-hmm.

7 Q. Earlier, you told us you were in the tunnel, you  
8 were getting squished, and so you left the tunnel for about  
9 a half hour and came back, you had the taser in your hand,  
10 and you walked up and you tasered the officer once in the  
11 neck. And you did it because you felt like he was accosting  
12 Trump supporters, or patriots.

13 A. No. I didn't do it because I felt he was  
14 accosting Trump supporters or patriots. I just thought that  
15 he was going to get in -- he was struggling. Like, they  
16 were pulling him out and I --

17 Q. He was struggling with who?

18 A. Like, they were carrying him. They were, like,  
19 holding his arms and his legs and his feet. I don't know  
20 who those people were. I --

21 Q. So why would you taser somebody that's being  
22 carried?

23 A. I guess --

24 Q. Danny, you realize you assaulted that man, right?

25 A. Yes.

1 Q. And you realize right now you're -- whatever  
2 fabrication you're telling us --

3 A. No. (Indiscernible) --

4 Q. -- is not helping your situation.

5 A. I'm a hundred percent not fabricating anything at  
6 all.

7 Q. Okay. Then, let's go back over it and you tell me  
8 again how you ended up in the tunnel and how you ended up  
9 with the taser --

10 A. I just said -- I just went --

11 Q. -- and how you ended up tasing Officer Fanone.

12 A. I just ended up in the tunnel because that's where  
13 everybody was trying to get in the building.

14 Q. Okay. Explain it to me again in story form. I'm  
15 all ears, because I want to hear the story. I want to hear  
16 the truthful story, though.

17 A. So I called for tasers because I felt that we were  
18 going to get in -- that's how -- that we were going to get  
19 in if we could get tasers up to the front. Like, we didn't  
20 have -- we're not calling for knives or guns or shoot them.  
21 I'm just -- we're trying to get in the building to try to  
22 occupy the building.

23 AGENT ARMENTA: Okay.

24 MR. RODRIGUEZ: So I called -- I shouted. I  
25 turned around and I'm like, hey, we need tasers up here.

1 And I thought someone was going to come up with a taser, not  
2 hand me a taser.

3 BY AGENT ELIAS:

4 Q. Okay. So who -- how did you get the taser?

5 A. It was just some guy, I swear. It was just --

6 Q. Describe him to me.

7 A. I really don't know. He was -- I'm in the tunnel  
8 and he was behind me on the right -- I mean, on the left,  
9 like, kind of by the entrance of the tunnel. And at the  
10 time that -- at that time that happened, it wasn't super  
11 packed in there. There was still little space to walk  
12 around right there. Later on, it got, like -- they got,  
13 like, a ton of people. But at that time, there was enough  
14 room to, like, turn around and -- we need tasers, and we  
15 need a taser up here, and I got handed a taser.

16 AGENT ARMENTA: What was he wearing? Describe it.  
17 How tall was he? How big?

18 BY AGENT ELIAS:

19 Q. Who are we looking for on the video, because, you  
20 know, it's all on video.

21 A. If you find him on the video, then you -- I really  
22 don't know.

23 Q. Because you know what we see on video?

24 A. Mm-mm.

25 Q. We see you produce a taser with your right hand



1 out of your pocket.

2 A. Well, right. I mean, I had -- okay. So I had the  
3 taser --

4 Q. And you're not in the tunnel. You're no the  
5 steps.

6 A. This is true, yes. So he gives me the taser, but  
7 when I give it -- when I turn around to give it back him, I  
8 don't know who's there. I also had a megaphone. I looked  
9 for my -- I lost my megaphone there, too. So I put the -- I  
10 either dropped the megaphone and then I tried to give him  
11 the taser -- I turned around, there -- I don't know. Nobody  
12 was standing there waiting for a taser. I didn't know who  
13 to give it to. I was waiting for somebody to, like -- can I  
14 have my taser back.

15 Q. Sure.

16 A. So it was guy. That's all I know. It was a male,  
17 maybe -- not too old, not too young.

18 Q. That's --

19 A. Regular, average guy, like --

20 Q. You just described 50 percent of the United States  
21 population.

22 A. Right. He's just -- he was just there, whoever it  
23 was. I honestly think there was two people who were  
24 offering a taser and one of them -- I just took it from one  
25 of them. I did put it in my pocket because I didn't return

1 it to anybody. Nobody -- I'm like, okay. Now I got a  
2 taser. I'm like, okay. I lost my megaphone, I can't find  
3 it, but now I have a taser.

4 Q. Okay. So you think that Officer Fanone's being  
5 carried out, held by his arms and legs. Why did you taser  
6 him? You said he was struggling.

7 A. I just kind of --

8 Q. At that point, he's struggling to be let go.

9 A. Yeah.

10 Q. And you chose to assault him while he's  
11 struggling?

12 A. Well, I just felt that, like -- I didn't know what  
13 they were going to do to him.

14 Q. And so, you tasered him to protect him?

15 A. I mean, that sounds stupid. I don't know if I  
16 tasered him to protect him, but maybe just to, like -- so he  
17 wouldn't struggle and get hurt, maybe. If they're going to  
18 beat him up or injury him or, like -- I don't know if  
19 they're going to -- I don't know what was going to happen to  
20 him.

21 And, honestly, I didn't think very much about it  
22 because, when I did it, I was like, oh, my God. What did I  
23 just do? And I got out of there. I left. I did it and I  
24 left. (Indiscernible). The taser that was -- there was  
25 three tasers. Two we brought. None of them -- none of

1 those that we brought got used.

2 (Special Agent Elias scrolls through videos on his  
3 phone.)

4 BY AGENT ARMENTA:

5 Q. Danny, you understand how serious this is, right?  
6 You understand that you're the one facing, like -- full  
7 disclosure, all the cards are out on the table, you're  
8 looking at seven federal felony counts. Seven.

9 A. What is that? The rest of my life in prison?

10 Q. It's a lot of years, man. So if you're not  
11 completely honest with -- because you're not being honest  
12 with us.

13 A. I am being honest.

14 Q. Listen. Listen, Danny.

15 A. I am being -- what am I not being honest about.

16 Q. I can't help you if you're not being honest with  
17 us.

18 A. Okay. What am I not being honest about, guys?

19 AGENT ELIAS: Let me play this for you.

20 (Special Agent Elias plays interview of  
21 Officer Fanone.)

22 OFFICER FANONE: "You know, trying to fight best I  
23 could. I remember, like, guys were stripping me of my gear.  
24 These were rioters pulling my badge off my chest."

25 MR. RODRIGUEZ: I didn't see any of that.

1 OFFICER FANONE: "They ripped my radio" --

2 MR. RODRIGUEZ: I didn't see any of that.

3 AGENT ELIAS: Just listen.

4 OFFICER FANONE: -- "off of -- off my vest,  
5 starting pulling, like, ammunition magazines from their  
6 holder on my belt. And then some guy started getting a hold  
7 of my gun and" --

8 MR. RODRIGUEZ: I mean, I didn't see any of that.

9 OFFICER FANONE: -- "they were screaming out, you  
10 know, kill him with his own gun."

11 MR. RODRIGUEZ: I didn't hear that. I didn't hear  
12 that.

13 OFFICER FANONE: "At that point, you know, it was  
14 just, like, self-preservation, you know, how do I survive  
15 this situation. And I thought about, you know, using deadly  
16 force. I thought about shooting people. And then I just  
17 came to the conclusion that, you know, if I was do that,  
18 yeah, I might get a few, but I'm not going to take everybody  
19 and they'll probably take my gun away from me. And that  
20 would definitely give them the justification that they were  
21 looking for to kill me if they" --

22 (Special Agent Elias stops the video.)

23 MR. RODRIGUEZ: I wasn't going to kill him or try  
24 to kill him. I wasn't going to kill anybody --

25 AGENT ELIAS: Look.

1 MR. RODRIGUEZ: -- or cops.

2 BY AGENT ELIAS:

3 Q. The disparity is in between your story and what  
4 happened to Officer Fanone and what's on video. I can show  
5 you the video of you tasing him twice.

6 A. It was not twice.

7 Q. I'll show it to you in just a minute.

8 A. Show it to me, please.

9 Q. I will. But the disparity between what you're  
10 saying happened, describing, oh, I'm such a benevolent man  
11 coming up to a poor officer who's struggling to keep -- to  
12 survive, thinking he's going to die. Let me help him out.  
13 Let me taser him. Is that really the story you want to be  
14 written about you? Is that in all of my benevolence, I  
15 decided I was going to taser this man who is struggling for  
16 his life in that moment and thinking he's going to die.  
17 Four daughters.

18 A. No. I wasn't trying to kill him. I didn't want  
19 him to die.

20 Q. Then, tell us what happened. Don't leave the  
21 story be this crappy story that you're telling us right now,  
22 that you were just there to help him and taser him.

23 A. No, I wasn't -- I was --

24 Q. Danny.

25 A. I'm not smart.

1 Q. Think about your mom.

2 A. No. I'm just not smart. I'm not lying to you  
3 guys. I'm not lying (indiscernible) --

4 Q. You need to think about --

5 A. I'm not lying about anything.

6 Q. -- how Danny's story is going to be written.

7 A. I haven't lied about anything. I haven't lied  
8 about anything to you guys so far. I have not lied in  
9 anything. I have not lied anything --

10 AGENT ARMENTA: Danny, just take a minute. Listen  
11 to him, okay?

12 BY AGENT ELIAS:

13 Q. You are in a great position right now to help  
14 yourself.

15 A. (Indiscernible) --

16 Q. We're your two advocates right now. We can  
17 advocate to the prosecutor, hey, Danny was -- Danny made  
18 some mistakes.

19 A. I'm not lying.

20 Q. But right now, neither Agent Armenta or myself  
21 feel confident in what you're saying.

22 A. Okay. What do you want me to tell you? That I  
23 tased him? Yes. I --

24 Q. Explain what you did.

25 A. Am I fucking piece of shit? Yes.

1 Q. Why did you tase him?

2 A. (Crying.) I don't know. I'm a piece of shit.

3 I'm sorry. I don't know. He's a human being with children,  
4 and he's not a bad guy. He sounds like he's just doing his  
5 job and he's -- I'm an asshole.

6 Q. But why? Why would you go up there with a taser?

7 A. (Crying.) I said I don't know.

8 Q. Why would you take that taser that was given to  
9 you from your friends and tase him?

10 A. It wasn't given to me by my friends. It was given  
11 to me by a stranger. I swear to God. I swear to God.  
12 These are not the same tasers. I'm telling you. I'm not  
13 trying to protect them.

14 Q. Okay. So --

15 A. I'm not trying to protect somebody.

16 Q. -- let me pull the video, because I want you to  
17 see it, of you tasing him.

18 A. A hundred percent, it was not twice. For sure, I  
19 did not tase him twice. For sure.

20 (Special Agent Elias plays a CBS News video.)

21 MR. LESHAN: "Office Fanone was among a phalanx of  
22 police at a west entrance here. D.C. Police almost never  
23 let us talk to line officers, but they wanted us to hear  
24 from this hero of democracy. This is the hallway where  
25 Officer Fanone and his comrades refused to yield."

1 AGENT ELIAS: Were you in this hallway?

2 MR. RODRIGUEZ: (Shakes head.) I mean, I was --  
3 no.

4 OFFICER FANONE: I say, well, we're going to go.  
5 You know, suit up.

6 MR. LESHAN: "Fanone has been working plain  
7 clothes for a decade. He could've spent the riot waiting at  
8 his desk, but he and his police and duck hunting partner,  
9 Jimmy Albright, self-deployed to the Capitol."

10 OFFICER FANONE: "He said, he's bent over at the  
11 waist and he's dry-heaving, obviously, from, you know,  
12 inhaling all the CS gas."

13 AGENT ELIAS: Can you see if you can find that  
14 video?

15 AGENT ARMENTA: Yeah.

16 MR. LESHAN: "One of the first police commanders  
17 he encountered was the head of investigations."

18 OFFICE FANONE: "And I remember thinking to  
19 myself, like" --

20 AGENT ELIAS: Do you remember the fire alarm going  
21 off in that hallway?

22 MR. RODRIGUEZ: (Shakes head.)

23 OFFICER FANONE: -- "this dude looks like George  
24 [censored] Patton."

25 RIOTERS: "Heave-ho. Heave-ho."



1 MR. RODRIGUEZ: I wasn't in there for that.

2 MR. LESHAN: "Officer Daniel Hodges" --

3 MR. RODRIGUEZ: I think I got out before that.

4 OFFICER HODGES: (Anguished shouting.)

5 MR. LESHAN: -- "had already been squished" --

6 MR. RODRIGUEZ: Yeah. I don't -- I didn't see  
7 that.

8 MR. LESHAN: -- "between the door and the mob  
9 screaming heave-ho. Fanone says it was like medieval  
10 combat."

11 OFFICER FANONE: "And it was, like, the real life  
12 300, minus the six-pack abs, which none of us have."

13 MR. LESHAN: "Somehow, the mob grabbed Fanone out  
14 of the line and dragged him into the mob, beating, tasing,  
15 smashing him with flag poles."

16 OFFICER FANONE: "I remember thinking, like, at  
17 the moment that I got out side, like, holy [censored], like,  
18 there's a lot of [censored] damn people here."

19 INTERVIEWER: "Did you think you were going to die  
20 out there?"

21 OFFICER FANONE: "Guys were, like, grabbing gear  
22 off my vest and I remember guys chanting, like, kill him  
23 with his own gun. Yeah, I thought about killing people.  
24 I'd probably shoot a couple and then they're going to take  
25 the gun away from me."

1 MR. RODRIGUEZ: I don't think they were trying to  
2 kill him with his own gun. Maybe one person said that.  
3 They weren't chanting that.

4 MR. LESHAN: "Fanone thought of his four  
5 daughters. 'I have kids,' he told the rioters, and a couple  
6 of them showed mercy."

7 OFFICER FANONE: "Thank you, but [censored] you  
8 for being there."

9 (Special Agent Elias stops the video.)

10 MR. RODRIGUEZ: What do you mean? They helped  
11 him, and he just said, fuck you?

12 AGENT ARMENTA: This is the video right here.

13 (Special Agent Armenta plays a video with no  
14 audio.)

15 AGENT ARMENTA: See, they even -- have you seen  
16 this?

17 MR. RODRIGUEZ: It was only one time. There's no  
18 way it's twice. It's edited if it's twice.

19 AGENT ELIAS: You strike him on the right side --  
20 on his left side and he recoils and grabs, and you come back  
21 in and you do it again.

22 MR. RODRIGUEZ: Mm-mm, mm-mm, mm-mm.

23 AGENT ELIAS: Thousand percent.

24 AGENT ARMENTA: It's right there.

25 AGENT ELIAS: Watch the video. See if I can find

1 the straight video.

2 AGENT ARMENTA: There's the taser.

3 AGENT ELIAS: Is that you?

4 MR. RODRIGUEZ: Yeah.

5 AGENT ELIAS: Is that your hat?

6 MR. RODRIGUEZ: Yeah.

7 AGENT ARMENTA: I mean, they did all the work for  
8 us.

9 MR. RODRIGUEZ: Yeah. I'm telling you, they set  
10 us up on purpose.

11 BY AGENT ELIAS:

12 Q. Did somebody stick a taser in your hand?

13 A. No. I'm saying they set up as far as, like, they  
14 went over there to film everybody that they recognized,  
15 like, to do this on purpose afterwards. No, they didn't  
16 stick a taser in my hand. I did.

17 Q. You tased the officer. Nobody put -- Trump didn't  
18 put you up to tasing the officer.

19 A. No, no. No, he didn't. I did.

20 Q. You did it all on your own.

21 (Special Agent Armenta stops the video.)

22 MR. RODRIGUEZ: Yes.

23 BY AGENT ELIAS:

24 Q. Isn't it true, Danny, that you and your friends  
25 planned weeks in advance to go to that rally with weapons

1 and gear, that you practiced how you were going to do  
2 things?

3 A. I didn't have any gear. I didn't take any  
4 weapons.

5 Q. You took a knife --

6 A. I always have a knife.

7 Q. -- and pepper spray.

8 A. That's always in my car.

9 Q. And you were given a gas mask.

10 A. That's always in my car. I mean -- okay. I've  
11 been --

12 Q. You took those things.

13 A. I have a -- everybody has a -- I mean, it was a  
14 little, four-inch pocket knife, okay? My pepper spray is  
15 just -- it's just something that you have.

16 BY AGENT ARMENTA:

17 Q. What about the gas mask?

18 A. I didn't buy the gas mask.

19 Q. You just carry that with you?

20 A. The gas masks were taken and I didn't -- I was --  
21 there was, like, some -- like, four gas masks, like, bought  
22 and I was just -- one was -- like, here, you can have a gas  
23 mask. But I didn't take it and I didn't wear it. I didn't  
24 have it. It was in the van.

25 Q. But you see what we're -- like, that shows

1 preparation, right? That shows --

2 A. I didn't prepare for that.

3 Q. -- planning.

4 A. I didn't plan that. I didn't buy that.

5 Q. When, like --

6 A. I didn't wear it. I didn't take it. I left it  
7 there. I didn't put it on. I don't have it.

8 Q. That doesn't matter, Danny. It shows planning and  
9 preparation. You took those things. You don't take  
10 things --

11 A. I didn't pack them.

12 Q. -- for no reason. Nobody takes things for no  
13 reason. And when we tell D.C. what we said and what we  
14 discussed, and they ask us, was Danny cooperative?

15 A. None of that stuff was --

16 Q. Did he tell you (indiscernible) -- they're going  
17 to ask me, well, what did he say about the weapons? What  
18 did he say about the gas masks?

19 A. None of that stuff was on me.

20 Q. What did he say about the mace and --

21 A. None of that --

22 Q. -- the pepper spray?

23 A. -- stuff was on me when I was at the Capitol.

24 Q. What do I tell them? I'm asking you -- my  
25 colleague was asking you --

1 A. I didn't --

2 Q. -- what the preparation was to go there, what you  
3 guys were planning. You brought stuff planning for  
4 something. What was it?

5 BY AGENT ELIAS:

6 Q. I mean, you said --

7 A. We were planning --

8 Q. -- Andy called Ed and said, hey, there's a taser  
9 here. Should I buy it? Ed said, yes. You already told us  
10 that. Why is Andy calling Ed saying, should I buy a taser  
11 if you're -- and you guys took the taser to D.C., if you're  
12 not preparing?

13 A. That's not me.

14 Q. Okay. Well, tell us about it, though. Tell us  
15 about the preparations the group did.

16 A. The preparations were for BLM and Antifa. We  
17 thought that they were going to go -- we thought we were  
18 going to hit it like a civil war. There was going to be a  
19 big battle. This is what I thought.

20 Q. Okay.

21 A. I thought there was going to be a big battle in --  
22 I thought that there was going to be battles across the  
23 country. I thought that there was going to be fighting, for  
24 some reason, in different cities and I thought that the main  
25 fight, the main battle, was going to be in D.C. because

1 Trump called everyone there. And then I thought that that  
2 was going to bring BLM and Antifa there, and it was going to  
3 be, like, a big battle. That's what I really thought. They  
4 didn't -- that's not what happened.

5 Q. So how did you prepare for battle?

6 A. (No audible response.)

7 Q. Tell us about paintball.

8 A. Just, like, jogging.

9 Q. Tell us about paintball.

10 A. Oh, paintball? I mean, I don't even own a gun.

11 Paintball was just, like, to get people -- to try and get  
12 people to work together and follow directions in order to --  
13 paintball was just, like -- it just wasn't -- it was --

14 Q. Who went to paintball?

15 A. -- just fun.

16 Q. Who went to paintball?

17 A. Edward. Kaylin went once. No, we invited  
18 everybody. We tried to get a lot of people to go. We tried  
19 to always -- I mean, Edward even made some flyers to go,  
20 like, get people going and active. Like, we were trying to  
21 get, like -- build, like, a camaraderie, like a team, like  
22 a -- people who -- we were just trying to get friends.  
23 We're just trying to make friends and get likeminded  
24 individuals together.

25 Q. Did you practice formations?

1 A. No. Like --

2 Q. Is that part --

3 A. -- stacking up and entering a building or  
4 something?

5 Q. Or just working together. How to work together --

6 A. I think we were -- I think that's -- I think that  
7 was maybe, like, what we thought was going to happen, but,  
8 you know, when you go to paintball, it's just -- have you  
9 guys ever been paintballing?

10 Q. Just becomes more of a free-for-all?

11 A. Yeah. There's just -- you can't take orders. You  
12 don't know the map and it was just -- there's strangers and  
13 there's --

14 BY AGENT ARMENTA:

15 Q. Was there someone trying to organize it to make it  
16 more, you know, tactics-based? Like a learning --

17 A. I guess that's what the -- what Edward wanted but,  
18 you know, he's not a military person or -- you know? I  
19 mean, I tried listening to him and, like, he'd be like,  
20 okay, I'll cover you. Go. And I remember one time I  
21 just -- he's like, go. And then as soon as I put my head  
22 up, I got shot in my face. So I'm like, okay. It's not  
23 going to work. I mean --

24 Q. Did he see himself as, like, a military person? A  
25 military leader?



1           A.    I think he might.  I learned -- I never had been  
2 paintballing before and I learned that it's -- if that was  
3 real bullets, there's no chance.  You pick your head up and  
4 you get shot with a paintball, like, bullets?  This is  
5 not -- it's not fun.  That's not going to be -- that's not  
6 going to end well, you know?  Running for cover and --  
7 that's not fun.  That's not going to be cool.

8           Q.    Did you guys ever go shooting?

9           A.    I went shooting once --

10          Q.    Who went?

11          A.    -- with Edward.  Edward and his girlfriend, Sam.  
12 Some girl, Sam, he was seeing.

13          Q.    And what did you guys shoot?

14          A.    He had a .45.

15          Q.    Edward did?

16          A.    Yeah.

17          Q.    And that was it?

18          A.    Yeah.

19                BY AGENT ELIAS:

20          Q.    Did you take your mom's gun?

21          A.    No.  My mom don't have a gun.  My mom --

22          Q.    Whose .45 is at the house?

23          A.    There's no .45 at my house.

24          Q.    Yeah, there was.

25                BY AGENT ARMENTA:

1 Q. It was there. We saw it.

2 A. Huh?

3 Q. Yeah.

4 A. Where?

5 Q. There's a .45 in there.

6 A. No. You guys are lying.

7 AGENT ELIAS: No, in the bedroom.

8 MR. RODRIGUEZ: Whose bedroom? My mom's?

9 AGENT ELIAS: Yeah.

10 AGENT ARMENTA: Yeah. It was there. SWAT found  
11 it right away.

12 MR. RODRIGUEZ: My mom has a .45?

13 AGENT ELIAS: She said there's no guns in the  
14 house.

15 MR. RODRIGUEZ: Oh, then, there's no gun in the  
16 house.

17 AGENT ARMENTA: No, we're not lying to you. There  
18 was a gun in the house.

19 MR. RODRIGUEZ: I don't own a gun. I don't have a  
20 gun.

21 AGENT ARMENTA: (Indiscernible) --

22 BY AGENT ELIAS:

23 Q. Did you buy a gun at Ammo Brothers?

24 A. I tried. I tried to buy a Glock.

25 Q. Why?

1           A.     Because I had money at the time. Like, I've  
2 always wanted a gun and I needed the money, so I got my  
3 money back. I mean, I've always wanted a gun, but I  
4 didn't -- I never purchased one. I put money down, I went  
5 through the background check, and before the background  
6 check came, I needed the money. And I went back to Ammo  
7 Brothers, they kept \$100 -- they kept -- I forget the  
8 percentage it was of the gun.

9           The Glock, I think it was, like, \$600 with some  
10 change, like \$620 or something, for a nine. It was, like, a  
11 Glock 19 or Glock 17. And then I went back and I needed my  
12 money back and they kept some of it. And I had to pay bills  
13 or something, or think that's what I went to D.C. with.  
14 Like, I don't know. I don't remember.

15           But I do not own a gun. I did -- yes, I tried to  
16 buy a gun. Tried to buy a gun twice. I bought a -- I went  
17 to Turner's? I went to Turner's and I tried to buy a  
18 Walther, a .22, a little -- a P22 handgun. And the DOJ  
19 didn't deny or confirm me, so they gave me my money back.  
20 They were like -- they gave me all my money back. They  
21 said, you got to go contact the DOJ. I never did.

22           And I went to go -- I was like, okay. I'll try it  
23 again. And then before -- so, what I was going to do is --  
24 I was like -- because the DOJ didn't confirm or deny me, I  
25 needed to get a hold of them. I didn't. Think some time

1 went by. Was like, okay. Let me go try to buy a different  
2 gun. Maybe I -- maybe it wasn't a good idea to get the .22.  
3 Let me get a nine.

4 And then I -- I knew the DOJ was either going  
5 to -- I think I thought it was going to be the same thing.  
6 I'm like, I can't wait that 30 days or whatever. I just,  
7 you know -- I need the money for bills or something. So I  
8 took the money back and I never got a gun. And as far as my  
9 mom goes, she doesn't own a gun either.

10 Q. Okay. Who else in the group bought supplies other  
11 than Andy and Ed?

12 A. Supplies? Like, food, or --

13 Q. So let's go --

14 A. No weapons. There was no other weapons.

15 Q. So anybody buy pepper spray, wasp spray, gas  
16 masks, knives, tasers?

17 A. I already had the knife. I didn't buy a knife,  
18 so --

19 Q. Okay. Who else bought stuff, though?

20 A. I don't -- I think --

21 Q. I mean, you're in the van, driving for  
22 3,800 miles.

23 A. I think everybody pitched in. Everybody pitched  
24 in for gas and for food and -- as far as the wasp spray  
25 goes, I think Marci brought that --

1 Q. Okay.

2 A. -- from home. And the taser, Andy bought -- I  
3 remember him calling me the day before or something, the  
4 night before, like, we were getting stuff to go, and he  
5 called me, and I think he asked me if I wanted it or  
6 something, and then I said, no, I don't want it, or I don't  
7 have money or something. I don't remember. I just said,  
8 no.

9 And then I think Edward wanted it. I don't know  
10 if he was with me or -- I don't know. But somehow he said  
11 that he did, and then Andy bought it. I think it was \$50.  
12 I mean, it was a flashlight taser. And then we were playing  
13 with it in the van, and then it stayed in the van. But as  
14 far as weapons, like --

15 BY AGENT ARMENTA:

16 Q. Why did it stay in the van? If you guys bought  
17 it, why --

18 A. Okay. Well, first of all, we were going to go see  
19 Trump speak. We're not taking weapons. We're not taking --  
20 we went on -- I think it was a Saturday he was going to  
21 speak in D.C., do his speech, and we woke up and went. It  
22 was early. I think it --

23 Q. But you guys were also expecting a civil war, too.

24 A. Yeah.

25 Q. You weren't just there to see him speak. You

1 were -- you said a civil war across the country.

2 A. The night before we got there, we went out in the  
3 streets to -- because of the civil war. We thought -- we  
4 were like, okay. Let's go see what's going on out here.  
5 Let's go see if we can find, like, BLM, if there's rioting.  
6 Like, we wanted to go see. So nothing was going on. There  
7 was no BLM. There's no Antifa. There was really nothing  
8 going on. The whole city was -- there's cops everywhere, so  
9 I think that was the first night, which is a Friday maybe.  
10 What day was the speech? Sunday?

11 Q. And then you had your taser then?

12 A. No. I didn't have a taser.

13 Q. So where was it?

14 A. No. I got a taser that day from the tunnel.

15 Q. No. I'm saying the one you guys bought. The one  
16 you guys bought before --

17 A. The flashlight one?

18 Q. Um-hmm.

19 A. Where was it?

20 Q. Yeah.

21 A. It was in the box that it came in.

22 Q. My question is why was it in the box? If you guys  
23 bought a taser preparing for a civil war --

24 A. Well, he didn't buy it for me. He bought it for  
25 Edward and maybe Edward either -- it was -- I don't know.

1 Q. Did Edward take it with him?

2 A. No. I think he didn't like it or -- he bought it  
3 without -- he bought it -- Andy was at the store and said,  
4 I -- there's one of these things here for sale. Should I  
5 get it? And then Edward has money. He has extra money, you  
6 know? He's like, yeah, I'll get it, yeah, sure. You know?

7 Q. And then what about, like -- did you use your  
8 card, ever, when you were in D.C.? Your debit card?

9 A. I don't remember.

10 Q. Would you be surprised to find out you didn't?

11 A. I probably didn't.

12 Q. So what was the cash withdraw for before you go to  
13 D.C.?

14 A. Gas, probably.

15 Q. So you withdrew \$760 in cash for gas?

16 A. I never had \$760 in my account.

17 Q. You withdrew it in cash from your -- from an ATM.  
18 You got cash -- this was on the 4th right before you guys  
19 started going --

20 A. I think you're confusing me with Edward.

21 Q. No, I'm not.

22 A. I didn't have \$700.

23 Q. You took out 700 --

24 A. The day -- no, no, for sure. You guys, you're  
25 confusing me with Edward, I think, because the day that I --

1 the day before we left, I had \$26 to my name. No.

2 Q. And you got a big cash influx, like you said, with  
3 the --

4 A. No. I had \$100. I worked -- I did, like, a  
5 little side job and I got \$100, so I went with a hundred  
6 and --

7 Q. So you don't know what that was for?

8 A. No. No. It wasn't me. I never had \$700 cash in  
9 that time.

10 Q. Okay. I'm telling you, you did, okay? All right?

11 A. Oh, wait a minute. When we were there. When we  
12 were there in D.C., I got the stimulus. That was \$600  
13 stimulus check. But I didn't have access to it.

14 Q. And you took out \$760 in cash.

15 A. No.

16 Q. And so I'm curious of what you used that for.

17 A. No. I did not take out -- no. I did not have  
18 \$760 cash before we went to D.C., for sure.

19 Q. No, you did. And then you didn't use your card at  
20 all when you were in D.C., but you used it on the way to  
21 D.C.

22 A. On what? Gas?

23 Q. Food.

24 A. Food? Okay.

25 Q. I'm just curious of why.



1           A.    Do you have, like, a -- that wasn't me.  I think  
2 you're confusing me, because the van, I couldn't pay for,  
3 and that's about how much the van.  So you're saying, like,  
4 \$600, \$700.  That sounds like Edward paying for the van.

5           Q.    No.  It was you.

6                   BY AGENT ELIAS:

7           Q.    Where do you bank at, Danny?

8           A.    At Chase.

9           Q.    Is that your only bank account?

10          A.    I had a Bank of America bank account, but there's  
11 nothing in it, so I think it's closed.

12          Q.    You have any credit cards?

13          A.    No.

14          Q.    So if we got your records from Chase and it showed  
15 a \$760 withdrawal, you're just not remembering it?

16          A.    No.  I don't think it had a sixteen -- yeah.  I  
17 don't think that was me.

18                   BY AGENT ARMENTA:

19          Q.    760.

20          A.    I really don't think I had \$760 to pull out  
21 (indiscernible).

22          Q.    You really don't think or you for sure don't?

23          A.    I don't have that kind of cash to be pulling out.

24          Q.    Well, I saw your bank records and I thought the  
25 same thing.  That's why I thought that was weird.

1 A. \$760 from an ATM? Before we left?

2 Q. Um-hmm.

3 A. No, that's not me. How many days before we left?

4 Q. It was on January 4th.

5 A. Oh, January 4th? We were already on the road.

6 AGENT ELIAS: Because you left the 3rd?

7 MR. RODRIGUEZ: I think so. Well, it was a couple  
8 days' trip, so -- hell, no. That wasn't me. I think you're  
9 confusing me with someone else that you've been --

10 AGENT ARMENTA: Okay.

11 MR. RODRIGUEZ: That's not me. I didn't have  
12 \$760.

13 BY AGENT ARMENTA:

14 Q. You did. I'm just -- like I said --

15 A. In my Chase?

16 Q. -- I'm giving you the opportunity to be honest  
17 with me.

18 A. No, I am really not thinking that was me.

19 Q. Completely, cards on the table, because the more  
20 that you're hiding from me --

21 A. Man, I'm not --

22 Q. -- the less that you tell me --

23 A. Yeah.

24 Q. -- it just -- I can't help you.

25 A. No. I don't have -- I didn't -- I don't -- no.

1 That was not me. I didn't have \$760. I had \$26 on the day  
2 before -- this is -- you're going to be like, oh, this guy's  
3 full of shit. Look. I'm a person that believes in God and  
4 I was like, it's meant for me to go. I have \$26, and I'm  
5 still going. Like, I told everybody, I'm going to D.C. with  
6 no money.

7 Q. Okay. Okay, okay.

8 A. I had no money. So like, I just got there. Like,  
9 I (indiscernible) --

10 Q. So where did you stay at?

11 A. At a rented house.

12 Q. Be more descriptive.

13 A. Like, a Airbnb.

14 Q. It was an Airbnb?

15 A. Um-hmm.

16 Q. Where was it?

17 A. In Arlington.

18 Q. Arlington, Virginia?

19 A. Yeah.

20 Q. Who got it?

21 A. Someone named Michelle.

22 Q. Michelle? What's her last name?

23 A. Henney.

24 Q. Okay. So she got the Airbnb?

25 A. Yeah.

1 Q. And how do you know Michelle?

2 A. From the rallies.

3 Q. And what else?

4 A. That's it.

5 Q. That's it?

6 A. I mean, she's a Trump supporter. That's it.

7 Q. You've only seen her at the rallies?

8 A. No. I mean, I know her, like, through -- no, I  
9 haven't only seen her at the rallies.

10 Q. You've only seen her?

11 A. No. I've not only -- no, I know her.

12 Q. Okay. Well, tell me about that. Where else have  
13 you seen her? How do you know her? What's your  
14 relationship like?

15 A. She would go to the rallies and she needed some  
16 help at her house, so I would help her at her house with,  
17 like -- she got into an accident, so she has a hard time  
18 remembering and, like, her hands -- her ex -- I don't know  
19 if her -- she got in a car accident because somebody was  
20 driving like an asshole. She got injured and now she's all  
21 messed up and she can't really do that much.

22 Like, she has issues, like, with her hand,  
23 grabbing stuff, or her mind -- she had a concussion and she  
24 forgets and she can't remember. And she's really, like --  
25 she needs a lot of help. Her mind is, like -- she'll go to

1 the bathroom and then she'll be like, why am I in here?

2 And --

3 Q. So have you been to her place lately?

4 A. No, not -- I mean, I've been to her house. Not  
5 really recently.

6 Q. When was the last time you've been to her house?

7 A. A few weeks ago. A couple weeks ago.

8 Q. Okay. And what -- you were helping her out or  
9 what were you --

10 A. Yeah. I was over there and tried to help her out.  
11 You know, it's like she needs painting and, like, you know,  
12 she went on this -- she got people to donate old cans of  
13 paint for her. So I went and got her paint, and then I  
14 brought it to her house, and then I'm over there mixing and  
15 then straining it for her and getting paint on me. I'm just  
16 doing side stuff to help her. She's trying to sell her  
17 house.

18 Q. Okay. And so she was out there --

19 A. She's alone. She lives by herself and she has  
20 nobody to help her, so I'm like, let me see if I can help  
21 you, what I -- little things I can do. Whatever I'm capable  
22 of.

23 Q. Okay. So she was out -- how did she get in D.C.?

24 A. I don't know. I think she flew.

25 Q. She flew? Okay. And was she at the Capitol?

1 A. I think so.

2 Q. And what did she do there?

3 A. Oh, she's not -- she didn't do anything. She's  
4 not a person that --

5 Q. How do you know that? Did you see her there?  
6 Like, outside of the Airbnb?

7 A. I think I seen her once. I didn't see a lot of  
8 people. I was there mostly -- I didn't even see -- I saw  
9 Edward that day -- 40 minutes that day, that entire day. I  
10 was -- we were all separated, so I don't know what she was  
11 doing.

12 Q. You were separated from Ed almost --

13 A. I was separated from everybody, yeah. I was by  
14 myself most of the -- that day.

15 Q. Are you lying to me again?

16 A. No.

17 AGENT ELIAS: What about when you guys were inside  
18 the Capitol, when you guys broke in through that window?

19 MR. RODRIGUEZ: I didn't -- so I came back up, and  
20 that window was broken already. I don't know how it was  
21 broken. I saw Gina (ph.) -- well, I didn't see Gina. Gina  
22 saw me. She yelled at me with the megaphone. And she was  
23 like, DJ. I heard my name. I'm like, what the hell? Who's  
24 calling my name? I'm in D.C. DJ, get in there. And then  
25 Edward, too. Edward's like, go in there. Get in there.

1           Man, after I tased the cop, I wasn't trying to do  
2 anything anymore. I was like, this is too much. I already  
3 did plenty. And I came back up the steps looking for  
4 Edward. I came back looking for everybody, somebody that I  
5 knew, because I didn't know anybody. I was by myself. And  
6 that window was already broken out, and there was already  
7 people in there. So they told me, get in there, and I'm,  
8 okay.

9           BY AGENT ARMENTA:

10          Q. So you weren't busting the window?

11          A. That window was already broken that we went in.

12          Q. Were you busting the window?

13          A. What window?

14          Q. What'd you use to bust the window?

15          A. I don't know. Somebody was busting it and, like,  
16 decided to help them. It was, like, a metal pole.

17          Q. And what --

18          A. And I think that the person who I was helping was  
19 the one that filmed that.

20          Q. Oh, really?

21          A. Yeah.

22          Q. And was Edward there with you?

23          A. He was in there, I guess, but I didn't see him the  
24 whole time. We talked afterwards, and I never knew he was  
25 in there. I even told him like, where were you, you know?

1 He was like, I was in there.

2 Q. What about Mellow?

3 A. No. Mellow didn't go in there. Mellow is scared  
4 to get in trouble. He's just, like -- he's just one of  
5 those guys who -- he'll hang around. But when -- if  
6 anything happens, he disappears.

7 Q. So Mellow wasn't with you while you're busting the  
8 window?

9 A. No.

10 Q. And you're saying you didn't see Ed?

11 A. I did see him in there, but not to my memory. I  
12 found out afterwards that he was in there, but I don't  
13 remember him in my memory or remember talking to him or  
14 seeing him when I was in -- when it was happening, but --

15 Q. You know the video I'm referring to?

16 A. He was in there. I saw from the video, but I  
17 don't remember him in there. I seen that he was in there.  
18 But when I -- when it was going on, I didn't remember -- or  
19 see him/pay attention.

20 Q. And you remember what you were saying in that  
21 video?

22 A. Little bit.

23 Q. What'd you say?

24 A. That they just killed somebody for doing this.

25 Q. And what were you trying to tell everybody?



1           A.     Just trying to warn everybody because I didn't  
2     want anybody to get killed.  Or if they were, they needed to  
3     know that it was a possibility.  And it's really serious  
4     what was going on and everyone got quiet.

5           Q.     And then where'd you guys go?

6                     (Special Agent Elias plays a video.)

7           MR. RODRIGUEZ:  Just opened that door and down the  
8     hallway and I think (indiscernible).

9                     (Indiscernible audio from video.)

10          MR. RODRIGUEZ (IN VIDEO):  "They have shot and  
11     killed a girl.  They have shot and killed a girl."

12          AGENT ELIAS:  Is that you?

13          UNIDENTIFIED FEMALE:  -- "the fire alarm."

14          MR. RODRIGUEZ (IN VIDEO):  "Make sure you got  
15     those goggles on."

16                     (Indiscernible audio from video.)

17          MR. RODRIGUEZ (IN VIDEO):  "Get some things to  
18     help you.  Get some things to help you out there."

19                     (Indiscernible audio from video.)

20          UNIDENTIFIED FEMALE:  -- "another window to break  
21     to make in and out easy.  Like this window here needs to be  
22     broken out."

23          AGENT ELIAS:  Who's saying that right now?

24     Talking about breaking windows?  Is that Gina?

25          UNIDENTIFIED FEMALE:  -- "need to be broken?"

1 Yeah. (Indiscernible)."

2 (Indiscernible audio from video.)

3 MR. RODRIGUEZ: Can you rewind it?

4 (Indiscernible audio from video.)

5 UNIDENTIFIED FEMALE: -- "another window to break  
6 to make in and out easy. Like this window here needs to be  
7 broken out -- need to be broken? Yeah. (Indiscernible)."

8 (Indiscernible audio from video.)

9 AGENT ELIAS: That Ed right there?

10 MR. RODRIGUEZ: Yeah. That's Ed.

11 UNIDENTIFIED FEMALE: "No, I told you to wait for  
12 me."

13 UNIDENTIFIED MALE: "(Indiscernible). What you --  
14 tell me what you're doing. Just give me some narrative."

15 UNIDENTIFIED FEMALE: "We need people. We need  
16 people. Come in (indiscernible)" --

17 UNIDENTIFIED MALE: "We need people, goddamnit."  
18 (Indiscernible audio from video.)

19 AGENT ELIAS: Who's that?

20 (Indiscernible audio from video.)

21 MR. RODRIGUEZ (IN VIDEO): "Get in here."

22 AGENT ELIAS: Was that -- that's Ed --

23 UNIDENTIFIED MALE: "More people, goddamnit."

24 AGENT ELIAS: -- in the brown jacket.

25 (Indiscernible audio from video.)

1 UNIDENTIFIED FEMALE: "No, I told you to wait for  
2 me."

3 UNIDENTIFIED MALE: "(Indiscernible). What you --  
4 tell me what you're doing. Just give me some narrative."

5 UNIDENTIFIED FEMALE: "We need people. We need  
6 people. Come in (indiscernible)" --

7 UNIDENTIFIED MALE: "We need people, goddamnit."  
8 (Indiscernible audio from video.)

9 MR. RODRIGUEZ (IN VIDEO): "Get in here."

10 UNIDENTIFIED MALE: "More people, goddamnit."  
11 (Special Agent Elias stops the video.)

12 MR. RODRIGUEZ: I don't think that's Ed in brown  
13 jacket.

14 BY AGENT ELIAS:

15 Q. Who was trying to break the window in the video?

16 A. (No audible response.)

17 Q. That was you, right? Why were you trying to break  
18 the window?

19 A. Because I thought we were going to be in there for  
20 a while.

21 Q. Were you trying to let more people in?

22 A. I thought that we were going to get gassed,  
23 honestly. And as a way of breathing or escaping as well.

24 Q. Okay.

25 BY AGENT ARMENTA:

1 Q. You were saying, get in here.

2 A. Yeah. I told them to get in here.

3 Q. So you were telling more people to get in there,  
4 like you wanted backup.

5 A. I thought we were going to occupy the building. I  
6 thought we were going to take a couple days or something. I  
7 honestly thought it might be, like, a day or two that we  
8 were going to be in there and I thought that they were going  
9 to gas mask -- I mean, not gas mask. I thought they were  
10 going to tear gas us, so we needed either an escape route or  
11 a breathing hole.

12 BY AGENT ELIAS:

13 Q. So why were you guys going to occupy the building  
14 for a couple days? What was the point? Was it to disrupt  
15 the process that Congress was going through in confirming  
16 Biden?

17 A. I didn't know what was going on --

18 Q. Wait, wait, wait.

19 A. No, I was -- we were trying to -- I didn't have a  
20 plan. I didn't have a plan.

21 Q. You look like a leader in there.

22 AGENT ARMENTA: You were ordering people,  
23 organizing, moving furniture, busting windows, letting  
24 people in.

25 AGENT ELIAS: Telling people to put their goggles

1 on.

2 AGENT ARMENTA: It looks like a combat situation.

3 BY AGENT ELIAS:

4 Q. I mean, you just told us you were planning to stay  
5 there for a couple days, to take over --

6 A. No, no, no.

7 Q. -- the United States Capitol.

8 A. Like, I don't have food, water. I'm not planning  
9 on staying anywhere for any -- I just didn't know.

10 Q. You thought you were going to be there for a  
11 couple days.

12 A. It was a lot of things. No. Yeah, right. It  
13 was -- I thought it was a possibility. I thought it was  
14 possible that this might --

15 Q. Why were you guy --

16 A. We didn't know what was -- we didn't know.

17 Q. -- trying to take the Capitol?

18 A. Because we felt that they stole the election. We  
19 thought they -- we felt that they stole this country, that  
20 it's gone, it's wiped out. America's over. It's destroyed  
21 now.

22 Q. And so if you took the Capitol, then what?

23 A. I don't know. We just thought that -- damn, dude.  
24 I don't know. I understand what it -- it's very stupid and  
25 ignorant, and I see that it's a big joke, that we thought

1 that we were going to save this country, we were doing the  
2 right thing and stuff. I get it. I don't know. I don't --

3 Q. So we can put in our report that you told us that  
4 you and Ed entered the Capitol and you guys broke -- or,  
5 you, personally, broke -- attempted to break another window  
6 to provide you guys the ability to stay there if you needed  
7 to for a couple of days, in case there was gas, that it  
8 would let the gas out.

9 A. It wasn't to provide us for days to stay there. I  
10 just thought that it was -- okay. I don't know the floor  
11 plan to the Capitol, so when we were in that -- we go in  
12 through a window that's not, like, an access normally.

13 Q. Sure.

14 A. Like, when you go in that room, there was -- it  
15 was -- there was no -- I don't know how to -- like, you had  
16 to go through the whole building to get around, upstairs or  
17 something to get into that room. So I didn't know what was  
18 on the -- okay. So there was, like, a lounge or a  
19 conference room or, like, a -- it wasn't somebody's personal  
20 office.

21 Q. Right.

22 A. It was just, like, a table and chairs or  
23 something. Like, a coffee table. I don't remember. And  
24 then a door. And when you showed me that video, in my -- I  
25 don't even remember it being like that. I thought that

1 there was stairs to the right and they went down. But in  
2 that video, there was a room. I don't know how that --

3 Q. Okay.

4 A. I don't know. But I just -- I thought that there  
5 was going to be a bunch of, like, tear gas and we were going  
6 to get trapped and not be able to breathe. And it's like --

7 Q. But you went into the Capitol with an intention to  
8 disrupt Congress, right? I mean, you were trying to stop --

9 A. I didn't --

10 Q. -- what was going on. You were stopping the  
11 steal. That was the whole point, right?

12 A. I literally didn't know that there was Congress --  
13 they were there voting that day. I found out afterwards  
14 that there was a session that stopped and then they went  
15 back and resumed a session.

16 Q. Okay.

17 A. Or something.

18 AGENT ARMENTA: Didn't Trump talk about it in his  
19 speech? You were there for it.

20 MR. RODRIGUEZ: He said to go to the Capitol and  
21 let them know something, like --

22 BY AGENT ELIAS:

23 Q. So you assumed when you went to the Capitol, that  
24 Congress --

25 A. I wasn't --

1 Q. -- could've been there.

2 A. I didn't -- I never went to -- I didn't know I was  
3 going in the building until --

4 Q. Until you did it?

5 A. Yeah. I wasn't -- I didn't have a plan --

6 Q. So hear the question correctly. At the time you  
7 went down to the Capitol, President Trump had said, go down  
8 there and let them hear your voices, right?

9 A. Yeah.

10 Q. And so, you show up to the Capitol and you're  
11 under the impression that there may be people in there that  
12 want to hear your voice, so you -- that's why you guys went  
13 and protested on the outside. And then you went inside.  
14 There could've been people in there, right? Other than the  
15 officers.

16 A. I don't know what the -- I don't know a lot about  
17 government, that -- I don't know what's going on, on a daily  
18 basis.

19 Q. Let me explain something to you clearly know  
20 about. Were you legally inside the Capitol? When you  
21 entered through a broken window of the United States Capitol  
22 Building, are you legally in there?

23 A. I don't know if that's the law, if it's illegal to  
24 enter through a broken window.

25 Q. If I throw a rock through your sliding glass door



1 at your house and, not as a police officer, I enter in your  
2 house, am I legally in your house?

3 A. No, you're not. I just --

4 Q. If you throw a rock through the front of Macy's --

5 A. Well, there's people --

6 Q. -- and you walk into Macy's through the broken  
7 window, are you legally inside of Macy's?

8 A. I thought that there was people already -- it's a  
9 public building that people were walking through the front  
10 door.

11 Q. Did you enter through a public entrance?

12 A. No.

13 Q. How did you enter?

14 A. Through a window.

15 Q. Okay. So don't game me, right? You knew it was  
16 illegal to go --

17 A. I didn't know, no. I didn't think about it. I  
18 didn't -- it didn't enter my mind.

19 BY AGENT ARMENTA:

20 Q. You breaking --

21 A. I was not considering --

22 Q. -- a window --

23 A. You're right, you're right. I did --

24 Q. -- and then telling people to get in, like, if you  
25 see me doing that at Target --

1 A. I'm not thinking --

2 Q. If I bust in Target and then I tell more people to  
3 get in -- come on. Danny, come on.

4 A. I told you, I thought we were doing the right  
5 thing. (Indiscernible).

6 BY AGENT ELIAS:

7 Q. I would accept the fact if you told me, yeah, it  
8 was illegal, but I knew -- I thought it was the right thing.  
9 At least I could accept that from you because I would know  
10 that you're at least --

11 A. I was just not thinking.

12 Q. -- being honest with me. But right now, you're  
13 just like --

14 A. To be honest --

15 Q. -- oh, I don't know. Is it illegal to go through  
16 a broken window?

17 A. Look. The honest thing is this. I'm not  
18 considering what's legal or -- I'm only considering in my  
19 mind what needs to happen or what I think needs to happen or  
20 what should happen. I'm not thinking, like, I can't, you  
21 know -- like, your wife's having a baby and you're doing 80  
22 going home.

23 You're not thinking about the speed limit, about  
24 the consequences of a ticket or your insurances or injuring  
25 somebody. You're only thinking about the -- what's

1 important and you're not -- you do know what's right and  
2 wrong, but you're not -- it's not registering.

3 Q. Okay. I can live with that. But explain that to  
4 me. What were your thoughts at the Capitol when you tasered  
5 Officer Fanone or when you went into the Capitol Building?  
6 If it was like that --

7 A. I thought that we were going to save this -- I  
8 thought we were going to do something. I thought that it  
9 was not going to end -- happen like that. I thought that  
10 Trump was going to stay President and they were going to  
11 find all this crooked stuff and were going to -- I mean, we  
12 found out that -- we thought that we did something good.

13 We were getting Nancy -- somebody was -- it was  
14 rumored that Nancy Pelosi got her laptop stolen and that  
15 they found all this evidence on it and it was a secret plan.  
16 We were, like -- it was, like, a -- it was a -- were a  
17 distraction. We were put there to go distract and so  
18 somebody can go get Pelosi's laptop and then get all the  
19 intel.

20 And then we could just bust everything and find  
21 the truth and it'll be all exposed and we'll see that she's  
22 corrupt or some kind of evidence. And we thought we were  
23 being a -- we were part of a bigger thing. We thought we  
24 were being used as a part of a plan to save the country, to  
25 save America, save The Constitution, and the election, the

1 integrity.

2 BY AGENT ARMENTA:

3 Q. Like the ends justify the means kind of thing. Is  
4 that what you're saying?

5 A. Yeah. We thought.

6 Q. It was okay to do something wrong or illegal --

7 A. Yeah. It's like they thought --

8 Q. -- because --

9 A. Like, they treated with Trump and they did all the  
10 elections. They're like, oh, Trump is so bad, and where  
11 anything is okay. And --

12 Q. So now it's okay --

13 A. We didn't go light fires. I wasn't trying to  
14 hurt --

15 Q. But help me understand that for a second. So --

16 A. I didn't know --

17 Q. You know, it was wrong --

18 A. I didn't know (indiscernible) someone.

19 Q. -- what they did to Trump and that was wrong, so  
20 it was -- it's okay to do illegal things to right that  
21 wrong.

22 A. (Shakes head.)

23 Q. Am I right? Is that --

24 A. Look. When you -- when we talk about 1776, we see  
25 that there was a lot of -- there was a lot of violence. We

1 had to go against the government and people died. And there  
2 was actually a country that -- something that came out good  
3 out of that. And it took, like, three percent of the  
4 population at that time to fight and to -- against Brittan  
5 and create this country.

6 And we knew that the Founding Fathers had, you  
7 know, told us, you know, and -- about, you know, we have to,  
8 like -- this is going to come again and the -- like, all  
9 these plans were put in place, so that this wouldn't happen  
10 and we were -- I, personally, felt that this is something  
11 that the Founding Fathers of the country understood was  
12 going to happen again one day and that we would be needed to  
13 do something righteous. And I didn't think that I was going  
14 to be the bad guy.

15 BY AGENT ELIAS:

16 Q. Danny, did you feel like you were the three  
17 percent here? Like, those people that stormed the Capitol,  
18 that those were patriots. Those were people who are doing  
19 that because they were the three percent that were going to  
20 free our country from fraudulent politicians and schemes of  
21 evil people, so that way we could have a republic that was  
22 going to be whole again. Is that what you thought?

23 A. (Nods head.)

24 Q. You thought you were that three percent guy.

25 A. (Crying.)

1 Q. I know, man. I know. It's okay.

2 A. I'm sorry, guys.

3 Q. No, we know. Listen.

4 A. I'm so sorry, guys.

5 Q. We know you thought that you were that three  
6 percent guy.

7 A. I'm so sorry. I'm so sorry. I didn't know that  
8 we were doing the wrong thing. I thought we were doing the  
9 fucking right thing. I thought we were going to be -- I'm  
10 so stupid. I thought I was going to be awesome. I thought  
11 I was a good guy. I wanted to -- you know, my whole life,  
12 I've been, oh, fuck the police. I really have.

13 And I started to be -- I got involved -- I came  
14 back from Arizona and I lived here and I -- I came back home  
15 to California and I got involved with some of the -- some  
16 bad people, some gang members and I start -- I wanted to  
17 grow weed. I was growing weed. I got involved with the  
18 wrong people. I'm telling you, like, people -- killers,  
19 like, tattoos all over their face, like, not good people.

20 And I was growing weed with them and I was like,  
21 yeah, this is cool. They all got low riders and this and  
22 that, and I was like, oh, this is that lifestyle that's for  
23 me. But it wasn't. I didn't fit in. I'm a good person  
24 trying to -- and I wanted to be a bad person, and it just  
25 didn't work for me. And I kept getting robbed and they kept

1 taking from me.

2 And then Trump -- and I was listening to InfoWars  
3 and I was, like, getting patriotic and I was -- and I ended  
4 up leaving all those people behind me and I ended up being  
5 homeless. I became -- I put myself to be homeless because I  
6 didn't want to deal with these people anymore. They had  
7 something over me and, like --

8 Q. Yeah.

9 A. I'm lucky to -- I lost everything. I lost  
10 everything that was -- I have nothing. I had what was in a  
11 suitcase and I -- now I don't even have that suitcase. But  
12 I wanted to be a good person. I wanted to get away from  
13 those criminals. I'm like, this is -- they don't have  
14 honor, integrity. They're not like what they seem. They're  
15 not about loyalty. This is not the kind of people that I  
16 want to be around.

17 I was homeless and I went -- and I called my mom  
18 and I told her I needed somewhere to stay. I needed to come  
19 back home and move in. And I was already -- Trump was  
20 already, like -- this is 2015, and I was already into  
21 InfoWars and Alex Jones, and he's backing up Trump. And I'm  
22 like, all right, man. This is it. I'm going to -- this  
23 is -- I'm going to fight for this. I'm going to do -- I  
24 want to do this.

25 And I went to Whittier and I volunteered for the

1 Trump campaign. I did door-to-door, I did phone calls, I  
2 did all these things, and I just -- I went to the rally  
3 that -- when Trump came to town. We landed in Santa Monica.  
4 I was at that Beverly Hills Park and, I'm telling you, I  
5 argued with 200, 300 people and every single one of them --

6 BY AGENT ARMENTA:

7 Q. I saw that.

8 A. I just embarrassed all of them, and it was great.  
9 It was --

10 Q. I saw that.

11 A. Old videos. Old videos. I don't know if there's  
12 video, you've seen those, because I haven't even seen those.

13 Q. I saw some on YouTube. I was -- it was with --

14 A. Years ago, like, three/four years ago, though.

15 Q. It was the one where Trump was in LA, right?

16 A. Yeah. When he came to California.

17 Q. Did he come a couple times because I saw one  
18 maybe, like, couple years ago.

19 A. This was years ago, yeah. He landed in Santa  
20 Monica and he went somewhere in Beverly Hills. And I  
21 couldn't -- I didn't know anybody. I couldn't find the  
22 rally, but I found the protesters. Little did I know there  
23 was actual Trump support, like, down the block somewhere.  
24 But I show up by myself at this -- with all the haters or  
25 whatever. But where was I going with this?



1 BY AGENT ELIAS:

2 Q. Listen. You needed a cause. You needed a cause  
3 and you found a cause. And it -- listen. That cause has a  
4 lot of good things about it. Being a patriot's a great  
5 thing.

6 A. Oh my God. But look at what we did. We did the  
7 wrong --

8 Q. Supporting the Constitution's a great thing.

9 A. Yeah. That's what I thought.

10 Q. But listen. You know, people make mistakes.

11 A. Yeah.

12 Q. Entering the Capitol on January 6th, that was a  
13 mistake.

14 A. Yeah.

15 Q. That was a bad choice.

16 A. Yeah, it sure was.

17 Q. Tasing Officer Fanone, that was a really bad  
18 choice, too.

19 A. Yeah.

20 Q. But --

21 A. I just thought that were going to end up --

22 Q. On the right side.

23 A. We were going to end up on the right side and we  
24 were going to -- we had to get in there and these -- the  
25 cops are stopping us. And it's like, we don't want to fight

1 with you. You're not -- you know? Like, you're protecting  
2 evil people. Like, this is not right. And I didn't think I  
3 was going to hurt a cop.

4 Q. You got swept up in the moment, trying to do the  
5 right thing.

6 A. Dude, that mob -- when they say, mob mentality,  
7 that's a thing.

8 Q. Sure.

9 A. That really is. I didn't understand. Like, I  
10 don't -- like, "that's just a saying."

11 Q. But you --

12 A. That's a thing.

13 Q. True. It can pull on your emotions.

14 A. I didn't realize --

15 Q. But in the moment when you tased Officer Fanone  
16 and in the moments when you went into the Capitol, you were  
17 aware that you were there and you were -- you weren't having  
18 an out-of-body experience. You knew what was going on. You  
19 called for a taser. Even though you were swept up in it,  
20 you called for a taser. And not only did you take the  
21 taser, but then you put that taser on Officer Fanone's neck.

22 A. Yes, I did.

23 AGENT ARMENTA: You even asked how to use it.

24 MR. RODRIGUEZ: Yes, I did.

25 BY AGENT ELIAS:

1 Q. So what happened after? Did you walk into the  
2 Capitol?

3 A. No. I mean, I went in and then everybody started  
4 leaving. Like, everybody went in and then, next think you  
5 know, everybody was gone. And some girl was like, hey,  
6 everybody's leaving. Everyone's gone. Why? And then I go,  
7 oh, the cops, and we just ran out of there. And then we  
8 came out and it was all tear gas everywhere. I mean,  
9 everything looked difference. Everybody was gone. It was  
10 nothing but law enforcement and there was patriots just  
11 throwing up and choking and crying and --

12 Q. Did you take anything from the Capitol?

13 A. No.

14 Q. You didn't pick anything else from up -- from  
15 inside the Capitol Building at all?

16 A. No.

17 Q. If I told you we have a photo of you --

18 A. Somebody gave that to me. It was, like, a pouch  
19 with an orange strap on it?

20 Q. Yeah.

21 A. I don't have that anymore.

22 Q. How'd you get it?

23 A. Some guy gave it to me. He had two of them.

24 Q. Was he inside the Capitol when he gave it to you?

25 A. No. He gave it to me on the outside when we took

1 the picture.

2 Q. Okay.

3 A. He had two pouches under a jacket or something and  
4 he didn't feel -- I don't think he felt -- I think he was --  
5 he felt he was going to get caught or something.

6 Q. How did you get rid of that pouch?

7 A. I gave it back to him.

8 Q. So you just held it to the photo or you -- did you  
9 bring it back with you to LA?

10 A. No. No, I didn't bring it back to -- like, I had  
11 it with me in the van and then he said -- he gave it to me  
12 and then he offered -- he said, you know, we probably  
13 shouldn't have that.

14 Q. So where did you offload it?

15 A. I gave it back to him. He --

16 Q. But where? Like, where were you at? You said it  
17 was in the -- you had it in the van. So was it in D.C.? In  
18 Virginia? In Texas? In California?

19 A. No. It was -- no. It was in D.C. somewhere. I  
20 don't know where he got rid of it. I think he just threw it  
21 in the garbage, in, like, a trashcan.

22 Q. At the Airbnb?

23 A. I think so.

24 Q. Who was it that gave you those pouches?

25 A. I don't know his name. He has a beard.

1 Q. He was with you at the Airbnb?

2 A. After. He didn't stay there. He visited, like,  
3 that night. Like, he came --

4 Q. Who else knows him?

5 A. I don't know if anybody knows him.

6 Q. How did he get invited back to the --

7 A. Because we recognized his face from Beverly Hills.

8 Q. So he's from LA?

9 A. Yeah.

10 AGENT ARMENTA: Who is he right here?

11 MR. RODRIGUEZ: Oh. It's this guy right here  
12 where -- you can't see him. There's a person right here.

13 AGENT ARMENTA: A person where?

14 AGENT ELIAS: Where?

15 MR. RODRIGUEZ: There's a person in here  
16 somewhere. Like, there's gray or something. Like,  
17 that's -- like, that -- there's a person there.

18 BY AGENT ARMENTA:

19 Q. Are you sure it's not this guy? He has a beard.

20 A. No, not him. No. He's from, like -- he's not  
21 from California.

22 Q. Who is he?

23 A. I don't know. He was somebody that we saw -- I  
24 have no idea who that guy is. I think -- I thought he was  
25 cool, though.

1 Q. Name these people for me.

2 BY AGENT ELIAS:

3 Q. Yeah, who's this guy?

4 A. That's Mellow.

5 Q. Okay. Who's this?

6 A. Edward. Me. I don't know. Michelle. I don't  
7 know him. He's not from California, though. That's Al from  
8 Scottsdale.

9 Q. Do you know his last name?

10 A. Mm-mm.

11 AGENT ARMENTA: Who knows him?

12 MR. RODRIGUEZ: Al?

13 AGENT ARMENTA: Um-hmm.

14 AGENT ELIAS: Think Michelle.

15 MR. RODRIGUEZ: Oh, you know what? Michelle don't  
16 even like him. I don't know who knows him.

17 AGENT ARMENTA: And he drove with you guys? Is  
18 that the guy that -- the Al that --

19 MR. RODRIGUEZ: We picked up. Yeah. That's the  
20 Al that we picked up on the way.

21 AGENT ARMENTA: Okay.

22 AGENT ELIAS: Who's this?

23 MR. RODRIGUEZ: I don't know who that is. That  
24 might be Marci. That might be -- if that's -- I don't know  
25 if that's a guy or girl. That's Andy. That's Al. I don't

1 know. And the girl I don't know either.

2 BY AGENT ARMENTA:

3 Q. And who all stayed in the Airbnb? Who actually  
4 slept there?

5 A. I don't know because there was different -- there  
6 was there or four -- there was people already there when we  
7 got there and then they were there the one night. And then  
8 I didn't -- like, there was this cute there and then she  
9 disappeared. I don't know where she went, but she's not in  
10 the picture. Not all those people stayed there I don't  
11 think. Okay. So it was three stories, and our little area  
12 was the bottom, the basement part, and there was a separate  
13 entrance. So unless you go upstairs, you don't know who's  
14 there and you don't know, like --

15 Q. How many people you think total were there?

16 A. There was a lot. I mean, there was a lot of  
17 people there. But there was -- like I said, there was --

18 Q. Like, how many is a lot? Twenty, 30, 50?

19 A. Oh, how many's here?

20 AGENT ELIAS: Going to step out for a quick  
21 second.

22 MR. RODRIGUEZ: Yeah. Maybe, like, less than 20.

23 AGENT ARMENTA: Less than 20?

24 MR. RODRIGUEZ: I mean, if there's 10/11 people  
25 right there.

1 AGENT ARMENTA: So just an additional 10?

2 MR. RODRIGUEZ: Yeah. Maybe at the most. Can I  
3 use the restroom, too?

4 AGENT ARMENTA: You want to --

5 AGENT ELIAS: Yeah. Let's take a break.

6 AGENT ARMENTA: Okay.

7 AGENT ELIAS: Go ahead and just slip your shoes  
8 on.

9 AGENT ARMENTA: Yeah.

10 MR. RODRIGUEZ: Let me get my glasses.

11 AGENT ELIAS: Let me go clear it first.

12 AGENT ARMENTA: Okay.

13 (All parties exit the room.)

14 (Mr. Rodriguez enters the room.)

15 AGENT ARMENTA: Austin? Can you do that real  
16 quick, because they need it? Okay. (Indiscernible). The  
17 arrest warrant? Can you take care of that real quick?  
18 (Indiscernible) a minute. You got that?

19 AUSTIN: Yeah, sure.

20 (Special Agents Elias and Armenta and an  
21 unidentified male enter the room.)

22 AGENT ELIAS: All right.

23 AGENT ARMENTA: Just email it to them?

24 AGENT ELIAS: Yeah, yeah.

25 AGENT ARMENTA: Okay.



1           AGENT ELIAS: He's got to file paperwork real  
2 quick here. I'm going to --

3           UNIDENTIFIED MALE: Do I need a mask?

4           AGENT ELIAS: What's that?

5           UNIDENTIFIED MALE: Do I need a mask?

6           AGENT ELIAS: Yeah. Could --

7           UNIDENTIFIED MALE: Sure.

8           (Special Agent Armenta and male exit the room.)

9           AGENT ELIAS: Okay. So --

10          UNIDENTIFIED MALE: Give me two seconds.

11          AGENT ELIAS: Yep.

12          BY AGENT ELIAS:

13           Q. I have a question for you. I mostly work  
14 international terrorism cases, so I work, like, the ISIS and  
15 stuff like that.

16           A. Wow.

17           Q. So I don't deal a lot with stuff going on --

18           (Unidentified male enters the room.)

19           MR. RODRIGUEZ: Can I come work with you?

20          BY AGENT ELIAS:

21           Q. (Laughter.) Right? But what I do want to know  
22 about -- you said something that was interesting to me and I  
23 know very little about it. But I know that there's this  
24 group that's, like, the three percent group. What is that  
25 about?

1           A.    The three percent group is something that they lie  
2 about.  They tell you what it is and it's not that.  What it  
3 is, is it's just -- we believe that there was three percent  
4 of the population that overthrew the former British  
5 government.

6           Q.    Right.

7           A.    Now, that would include all of our Founding  
8 Fathers, everyone we've ever heard of, George Washington,  
9 Thomas Jefferson, all them, right?  So that's -- they were  
10 all the three -- they were just -- that's all it took was  
11 the Three Percenters.  And when Trump was, you know, at his  
12 peak, way more than three percent support.  So we --

13          Q.    Sure.

14          A.    -- figure, like, hey, they only need three percent  
15 of the population to overthrow a corrupt government.

16          Q.    Yeah.

17          A.    So when you say, Three Percenter, we see ourselves  
18 as people protecting the country.

19          Q.    Okay.

20          A.    Like, we're the three percent who are willing to  
21 do something and not just watch it happen.

22          Q.    So how does it -- is it like a group, or --

23          A.    There is an official, I believe, Three Percenters,  
24 which is supposed to be the people laying in wait, right?  
25 Like, oh, we're ready to save this country.  We're ready to

1 do something. But a lot of them are just behind the  
2 keyboard and, you know --

3 Q. Just, like, keyboard warrior kind of thing?

4 A. Yeah. And then there's other people who don't  
5 consider themselves Three Percenters who went to D.C. and  
6 maybe they did storm the Capitol and --

7 Q. Yeah.

8 A. -- maybe they're considered the Three Percenters  
9 of today.

10 Q. So you had had a three percent sticker on your  
11 car, on your black Infiniti, right?

12 A. Um-hmm.

13 Q. So what did that signify to you?

14 A. It signified the patriot movement, the original  
15 patriots that love America, our Founding Fathers. That's  
16 what it symbolizes to me. The people who actually stood up  
17 to create this country. That's what a Three Percenter is to  
18 me. It's somebody who is just --

19 Q. Did you have any -- did you go to any meetings  
20 where -- with people that were Three Percenters or any --

21 A. No.

22 Q. Part of, like, a --

23 A. No. I don't know any --

24 Q. -- Telegram channel that had Three Percenters in  
25 it, or --

1 A. No. No. As far as I know, I'm -- of everybody I  
2 know, I would be the only one that would say I'm a Three  
3 Percenter. Like --

4 Q. Okay.

5 A. -- claim it or put a sticker. I don't know  
6 anybody that has a sticker or a shirt or a tattoo or  
7 meetings or -- I have never met with any militia or --

8 Q. Okay.

9 A. I'm just by myself Three Percenter.

10 Q. So how did you come in to know about the three  
11 percent stuff?

12 A. I think from InfoWars.

13 Q. Just from InfoWars?

14 A. I think, yeah.

15 Q. Were you on any channels, like, any reddits or any  
16 4Chan, 99Chan, 8Chan?

17 A. (Shakes head.)

18 Q. None of that stuff? You don't do any of that  
19 stuff, or --

20 A. (Shakes head.)

21 Q. What about -- what kind of communications do you  
22 use? Like --

23 A. I just --

24 Q. Telegram, right?

25 A. Well, recently, yeah. Telegram.

1 Q. So you had the -- we had talked about -- what's  
2 the name of it? The MAGA Gang. You said there was another  
3 one that you used, another -- was it the --

4 A. Like, Constitutional Patriot or something it was  
5 called.

6 Q. Patriots --

7 A. Patriots Forever.

8 Q. Patriots MAGA 45 or something like that?

9 A. The names change. I don't know.

10 Q. Well, you were administrator for them.

11 A. I was on one of them that I changed the name.

12 Q. What was that one called?

13 A. That was that MAGA Gang one.

14 Q. Okay. And that was changed to what?

15 A. I haven't --

16 Q. Patriots 45?

17 A. No, no. I haven't changed it for --

18 Q. Were you in the Telegram channel, the Patriots 45?

19 A. I don't know.

20 Q. It's like Patriots MAGA 45 or something like that.

21 A. I mean, I don't know.

22 Q. If I told you somebody told me that you were the  
23 administrator for that --

24 A. Oh, the -- I've only been an administrator for  
25 that one.

1 Q. Okay. What's your handle on Telegram? Do you  
2 have a handle you use?

3 A. Yeah. I think it was Trumpmafial776.

4 Q. And is that the only handle that you use on  
5 Telegram?

6 A. I made a new one.

7 Q. What was the new one?

8 A. My name is Sonny, s-o-n-n-y, daise, d-a-i-s-e,  
9 ouside, outside without a T. That was for you, for the FBI.

10 Q. Why?

11 A. Sunny days outside. That's what I want.

12 Q. Okay. So you just have Trumpmafial776 and  
13 Sonnydaiseouside without a T.

14 A. Yeah.

15 Q. Any other ones?

16 A. For Telegram? No.

17 Q. What about -- what other channels or platforms do  
18 you use? Instagram, Twitter?

19 A. I have a YouTube. That's about it. I mean, I --  
20 yesterday or the day before, I opened up a -- I got a new  
21 phone -- well, not a new phone, but I bought a -- I got a  
22 new app for Instagram, but I haven't set it up or -- what's  
23 the other one? Yeah, Instagram. I mean, I started one, but  
24 I don't even know if it -- the profile's filled out, so I'm  
25 not --

1 Q. Facebook?

2 A. I had -- yeah. I have a Facebook, but I don't go  
3 on it. I haven't been on it since January.

4 Q. What about Twitter?

5 A. I had a Twitter, but I haven't been on Twitter for  
6 a couple years, probably.

7 Q. Do you remember any of the YouTube, Instagram,  
8 Facebook, or Twitter handles?

9 A. My YouTube is Trumpmafia, I think.

10 Q. Any other ones?

11 A. I don't remember Twitter. Twitter was probably  
12 just D.J. Rodriguez.

13 Q. Okay.

14 A. And what was the other one? Facebook?

15 Q. Instagram or Facebook?

16 A. Facebook is Daniel Rodriguez.

17 Q. Did you have any spam accounts?

18 A. What's that? No.

19 Q. Spam accounts are alias accounts. You just had  
20 one account on each of these platforms other than Telegram?

21 A. Alias accounts?

22 Q. Or multiple accounts? Like, some people have --

23 A. Well, I had --

24 Q. -- five YouTube account channels.

25 A. -- another YouTube account, which is --

1 Q. Okay.

2 A. -- my original, but they delete -- they kicked me  
3 off.

4 Q. What was that one called?

5 A. That's just my name. That's just my normal one,  
6 my -- think it was just --

7 Q. Just Daniel Rodriguez?

8 A. Yeah, I think so. I don't know. But my -- so, my  
9 email is Donald Jefferson, and I think it was under Donald  
10 Jefferson and they kicked me -- because I can't get -- I had  
11 to make a new email address to get back on YouTube because  
12 they wouldn't let me on YouTube because of whatever videos I  
13 was liking or commenting on --

14 Q. So Donaldjefferson@gmail?

15 A. Donaldjefferson82@gmail.

16 Q. Did you only have a Google email account? Did you  
17 have a -- any other ones?

18 A. I have another email.

19 Q. Okay.

20 A. It's the Trumpmafial776, I think.

21 Q. At Gmail?

22 A. Yeah. I had to make that one just for YouTube, so  
23 I could get on YouTube.

24 Q. Did you have a Yahoo! or --

25 A. I had --



1 Q. -- Outlook?

2 A. No. I mean -- no.

3 Q. You did have a Yahoo account?

4 A. Oh God, no. Like, no, I don't think I did.

5 Q. Okay.

6 A. It would've been, like, 15 years ago or something.

7 I don't remember.

8 Q. Okay. So only two email accounts that you know  
9 of?

10 A. (Nods head.)

11 Q. I'm not going to find more email accounts on your  
12 electronic devices?

13 A. No, just Gmail. Just a Gmail with my --

14 Q. Which Gmail?

15 A. The Donaldjefferson82 is my main email.

16 Q. Okay. What's your -- what phone platforms do you  
17 use?

18 A. What do you mean? Android?

19 Q. Do you use WhatsApp?

20 A. No.

21 Q. Do you have a WhatsApp account?

22 A. No.

23 Q. What's your cell phone number?

24 A. 626-935-5176.

25 Q. What about Skype?

1 A. (Shakes head.)

2 Q. Any other platforms that you can talk or send end-  
3 to-end encrypted communications over?

4 A. (Shakes head.)

5 Q. WeChat, Tango, Fyber?

6 A. (Shakes head.)

7 Q. You're shaking your head, but is that a no?

8 A. Nothing. No, nothing. No, nothing. Just  
9 Telegram.

10 Q. Okay. What app --

11 A. And text message.

12 Q. Do you have TextSecure?

13 A. No, I don't think so.

14 Q. What payment apps do you use? Zelle?

15 A. Nothing.

16 Q. Venmo?

17 A. No.

18 Q. None of that stuff?

19 A. No.

20 UNIDENTIFIED MALE: Cash App?

21 BY AGENT ELIAS:

22 Q. Cash App?

23 A. No.

24 Q. Nothing? Your only bank account's through Chase?

25 A. Yeah.

1 Q. And you said you formerly had a Bank of America?

2 A. Yeah.

3 Q. With the other people in your group, Mellow or Ed,  
4 Michelle, how did you communicate with them when you weren't  
5 in-person?

6 A. Text message.

7 Q. Over, like, iMessage or over -- text message over  
8 Telegram?

9 A. Sometimes Telegram or just regular message. Just  
10 regular text -- cell phone text.

11 Q. Okay. So after you left the Capitol and you went  
12 back to the Airbnb, then what happened?

13 A. Nothing. We came back. We --

14 Q. What day did you -- did you leave the next day?

15 A. The next morning.

16 Q. The next morning?

17 A. Yeah.

18 Q. Okay.

19 A. Yeah.

20 Q. And who all was in the van coming back?

21 A. The same people.

22 Q. Okay. So Marci, Andy, Ed, Al, Mellow, and you?

23 A. Wait a minute. Al wasn't there. I think Al flew  
24 back. Al flew back and we took his stuff to his house for  
25 him. His luggage or whatever he had. He brought too much

1 stuff.

2 Q. Did you -- did he have any souvenirs he took from  
3 the Capitol?

4 A. No. As far as I know, nobody took anything home  
5 from the Capitol.

6 Q. Let's talk about who did you meet up with. From  
7 your LA area people that you knew, who did you meet up with  
8 over in D.C.? Or who did you know that traveled from LA  
9 that was part of your group that you knew was in D.C. the  
10 same time you were?

11 A. It was just that girl, Kayla, Chris Almonte, some  
12 guy named Sauna (ph.).

13 Q. Sauna?

14 A. Yeah.

15 Q. Okay.

16 A. We knew a lot of people, though. I mean, if  
17 you --

18 Q. Sure.

19 A. -- go to all the rallies.

20 Q. Gina was there.

21 A. Gina.

22 Q. Did you talk to Gina before she got arrested?

23 A. Um-hmm.

24 Q. What'd you find out from her?

25 A. Nothing. I mean, we just said hi. But, I mean,

1 we didn't talk about anything else. I don't really know her  
2 that well.

3 Q. Did you go over to her house?

4 A. I've been to her house.

5 Q. After January 6th, have you been to her house?

6 A. Yeah. I went one time, yes.

7 Q. With Ed?

8 A. No.

9 Q. With who?

10 A. Gabe. The guy who turned a rat.

11 Q. What do you mean?

12 A. The guy who's snitching on everyone. He's a Trump  
13 supporter, but -- and he had all this -- he used to always  
14 pick fights with BLM and Antifa, and we always had problems  
15 with him making us look bad, and he always wanted to get  
16 violent. And now he's turned on us -- or, me.

17 Q. What happened when you went with Gabe to talk to  
18 Gina?

19 A. It was just, like, to touch base. It was just  
20 like, hey, you know, we're -- we made it. We're back.  
21 Everything's okay. Are you okay? Kind of thing.

22 Q. What is Gabe going to say happened?

23 A. I don't know. I don't know about that guy. I  
24 mean, I haven't had contact with him and he was really  
25 quiet. He looked like he didn't like what happened and he

1 was just -- kind of just sit -- staring at the floor a  
2 little bit or something. Like, sitting on the couch quiet.  
3 And Gina and I were talking about D.C. and he was just quiet  
4 and, I mean -- and then he left and I left. We were only  
5 there for, like, 30 minutes maybe.

6 Q. Is there any reason why Gina would tell us that  
7 you told her not to say anything to -- about you being at  
8 the Capitol?

9 A. Yeah. I mean --

10 Q. Is that what you guys talked about?

11 A. I guess. Yeah. I mean, like -- yeah. We're  
12 like, don't talk about this and don't tell anybody and --

13 Q. Did you threaten her?

14 A. No.

15 Q. But you told her not to say anything.

16 A. No, I didn't tell her. I mean, I think it was --  
17 no. I don't even think I told her not to say anything. I  
18 just think it was just assumed or implied that --

19 Q. Well, tell me what you said because I don't want  
20 to put words in your mouth. Tell me how the conversation  
21 went.

22 A. I really didn't talk to Gina too much. I mean, we  
23 were over there and just talking, and was smoking some weed  
24 on her patio. That's it.

25 Q. And?

1           A.    I didn't threaten her or tell her any -- tell her  
2 to do anything.

3           Q.    But you guys did talk about not saying anything to  
4 the police about what happened in D.C.?

5           A.    We weren't even talking necessarily about not  
6 talking to the police. We were saying not to talk to --  
7 about this to anyone that we know.

8           Q.    So just don't tell anybody?

9           A.    Just keep it quiet and don't tell anybody anything  
10 and let's try to live our lives normal, but not really, no.

11          Q.    Okay.

12          A.    Like I said, we thought everything was going to  
13 turn out different and we didn't know this was going to be  
14 like this. It was all a second thought. We weren't  
15 thinking about let's go do something a get away with it  
16 after. We just didn't even think about -- I didn't even  
17 think about what we were going to do. I mean, yeah, we -- I  
18 played it in my mind, like, scenarios or just my imagination  
19 or something. But I didn't have a definite plan or we  
20 didn't work any details out with -- I didn't work -- you  
21 know?

22                    I mean, Edward and I would butt heads. He would  
23 want to do one thing, I'd want to do another, and -- you  
24 know? So we're not, like -- we're just out there just  
25 with -- I'm out there without a plan.

1 Q. Okay. So whose idea was it to go to paintball to  
2 practice?

3 A. Oh, that was Edward. Edward owns --

4 Q. It was all Edward?

5 A. -- a paintball gun, so he wanted -- I think he  
6 just wanted friends to go out there and do paintball with  
7 him. And he's probably using it as an excuse to go train or  
8 get in shape or something.

9 Q. And earlier, when we talked about things you  
10 might've done to prepare to go on January 6th, you had  
11 mentioned you had done some working out or something like  
12 that. Running or something you said?

13 A. Oh, you know, just -- yeah.

14 Q. Getting in shape?

15 A. Jogging. Just jogging.

16 Q. Why were you jogging to go to -- back to the  
17 Capitol?

18 A. Because we thought that we were going to be  
19 fighting a bunch of Antifa and BLM, and we didn't want to be  
20 getting beat up.

21 Q. Okay. When did you take up jogging?

22 A. I don't know. Like, six months ago, four months  
23 ago. Four months ago, maybe.

24 Q. So like, right after the election?

25 A. Maybe. Yeah, I guess. Around the -- around



1 October. We'll say October, because I've been getting out  
2 of shape and not -- I mean, I'm 38. If you don't exercise,  
3 you get -- your body -- you know, it took a while for me to  
4 get back -- able to -- like, I couldn't jog. I couldn't --  
5 I was like -- it looked really awkward and, you know, it was  
6 like my muscles weren't there anymore. Like, my brain was  
7 like, run, and, like, my body was not able to run. Like, I  
8 couldn't even --

9 Q. Yeah.

10 A. So no. I was just trying to get in shape. It's  
11 not necessarily like something with, like -- I have all  
12 these intentions of -- you know? I'm not some commando guy  
13 that I'm trying to get -- look how skinny I am. I know  
14 I'm -- just trying to get in a little shape.

15 Q. But at least part of your -- let me ask the  
16 question, please.

17 A. Um-hmm.

18 Q. So part of the going to training at paintball or  
19 shooting at the firing range --

20 A. Well, paintball was just fun.

21 Q. Hold on. Please let me finish the question, okay?

22 A. Sorry.

23 Q. So paintball originally, you said, Ed was trying  
24 to get people together for formations, although it didn't  
25 turn out that way. He was trying to get them together to

1 practice, like, how they would go up against BLM or Antifa.

2 A. Maybe, yeah.

3 Q. Yeah. And then after the election, you attempted  
4 to buy a gun, but -- let me finish, please.

5 A. Um-hmm.

6 Q. And you guys did go to a shooting range after the  
7 election.

8 A. No, before.

9 Q. You jogged.

10 A. We just went out to the dessert to go shoot.

11 Q. Oh, you went to the dessert to shoot?

12 A. Yeah.

13 Q. After the election?

14 A. No, it was before. It was a while ago. It was --  
15 okay. Maybe it was after --

16 Q. Okay.

17 A. It was in November, I think.

18 Q. Yeah.

19 A. I remember I had a rented car when we went. It  
20 was a --

21 Q. Oh, who rented it?

22 A. No, I had a rental because --

23 Q. Oh, you had a rental?

24 A. -- my car was totaled. It got -- I got in an  
25 accident, so my insurance company gave me a rental car, and

1 I remember we went in that rental car to go shoot in a --

2 Q. Okay.

3 A. We went out to some legal spot where we could go  
4 shoot.

5 Q. By Oak Creek?

6 A. No. No, that's where I live. No. We went  
7 somewhere else.

8 Q. On BLM land or something?

9 A. Yeah. Yes. Somewhere Edward looked up.

10 Q. Okay. What was the --

11 A. I kind of --

12 Q. -- was part of it to prepare for, like, the Antifa  
13 thing?

14 (Special Agent Armenta enters the room.)

15 MR. RODRIGUEZ: I don't -- no. Well, not for me.

16 AGENT ELIAS: Okay.

17 MR. RODRIGUEZ: I've been shooting and I just --  
18 it's just fun.

19 AGENT ELIAS: Thank you, sir.

20 UNIDENTIFIED MALE: Yeah.

21 MR. RODRIGUEZ: I only -- I've been shooting with  
22 other people and it's just for fun. I don't own --

23 AGENT ELIAS: Okay.

24 MR. RODRIGUEZ: -- a gun, so it's like --

25 AGENT ELIAS: Okay.

1 MR. RODRIGUEZ: -- just to go for fun. It's  
2 not tactical, like --

3 AGENT ELIAS: Sure.

4 (Unidentified male exits the room.)

5 MR. RODRIGUEZ: I don't have a -- yeah. You're  
6 not going to read any messages or find anything on me that  
7 I'm out there, like, trying to prepare for shooting people.

8 BY AGENT ELIAS:

9 Q. Did you buy smoke grenades?

10 A. Yeah.

11 Q. When did you buy those?

12 A. When we went paintballing.

13 Q. What was it for?

14 A. For paintballing or --

15 Q. You didn't use them during the paintball, though.

16 A. No. You know what I used them -- what I wanted  
17 them for was for a rally in Huntington Beach. I believe I  
18 originally bought red smoke grenades to do them at the beach  
19 at our -- at Huntington Beach.

20 Q. Did you take them with you to D.C.?

21 A. Think so. I think so.

22 Q. Okay.

23 A. Yes. Yes, I took two. I took two smoke grenades  
24 because I thought that it would help us if we were trying to  
25 escape, like, BLM or Antifa or something. Like, they were

1 surrounding us, or --

2 Q. Where'd you buy those at?

3 A. A paintball store.

4 Q. Do you remember the name?

5 A. Critical.

6 Q. What else did you buy that ended up going with you  
7 to D.C.?

8 A. Nothing. I didn't have any money.

9 BY AGENT ARMENTA:

10 Q. What about -- what did, like, Ed buy or whoever  
11 else went with you? What other equipment?

12 A. Ed bought the gas masks and the van, the rental.  
13 I mean --

14 Q. What else? What other equipment? Supplies?

15 A. Walkie-talkies.

16 Q. Okay.

17 AGENT ELIAS: Yeah, that's right. You had that  
18 on -- clipped on your shirt.

19 MR. RODRIGUEZ: Yeah. We bought some walkie -- he  
20 bought some walkie-talkies.

21 AGENT ARMENTA: What was that for? What was the  
22 purpose of the walkie-talkies?

23 MR. RODRIGUEZ: So we wouldn't -- oh, because  
24 right before that, I think there was a -- remember in  
25 Tennessee or Memphis or somewhere, there was a bomb. Do you

1 remember that RV and it wiped out all the cell phones? So  
2 we thought that it was possible that they might bomb -- do a  
3 bombing in D.C. and that we won't have any cell phone  
4 communication, so we were just preparing to find each other  
5 with the walkie-talkies. That's all it was.

6 AGENT ELIAS: Who all had walkie-talkies in D.C.?

7 MR. RODRIGUEZ: Well, there was four walkie-  
8 talkies and there was only two of them charged. So I mean,  
9 I think it was me, Mellow, Andy, and Edward. But Mellow  
10 kept it in his pocket and Andy's was dead, so it was just me  
11 and Ed. And then I think the batteries just died, because  
12 we had just bought them. We didn't even charge them, so we  
13 were just walking around with dead walkies for most of the  
14 day.

15 AGENT ELIAS: Okay. So while you were stepped  
16 away, we went over his Telegram, YouTube, Instagram,  
17 Facebook, Twitter, his emails, his cell phone number, other  
18 accounts he uses. And then they left the next morning after  
19 January 6th and it was Marci, Andy, Ed, Mellow, and D.J. Al  
20 flew back and they dropped their -- his stuff off for him.

21 MR. RODRIGUEZ: Al, for some reason, either wanted  
22 to stay later or something. He didn't like the drive.

23 AGENT ELIAS: Yeah.

24 AGENT ARMENTA: He was the one from Arizona?

25 MR. RODRIGUEZ: Yeah, yeah. He was always -- he

1 was doing all this complaining, so I think maybe, like, he  
2 didn't want to go back or --

3 AGENT ELIAS: Yeah.

4 MR. RODRIGUEZ: He was just complaining. The  
5 music's too loud --

6 AGENT ELIAS: And then he said he met up with out  
7 there Kayla, Chris Almonte, somebody named Sauna, and Gina.  
8 And then we talked a little bit about Gina and he said that,  
9 after January 6th, he did go to Gina's house with Gabe one  
10 time. And they did discuss not saying anything to anyone.

11 BY AGENT ARMENTA:

12 Q. Okay. So you told Gina that?

13 A. Yeah. We were just not going to talk to -- talk  
14 about it with anybody.

15 Q. Did you threaten her at all?

16 A. No. For sure, no.

17 Q. So she's not going to say that?

18 A. I would hope not.

19 Q. What about --

20 A. No. She's a sweet woman. I wouldn't threaten  
21 her. And plus, what I did, why -- how can I threaten? I  
22 mean, if I threaten her, she's just going to turn me in,  
23 right?

24 Q. I'm just curious. Like, any other statements  
25 regarding now President Joe Biden, was there any -- ever a

1 time where you were angry or threatened to assassinate him  
2 or say anything --

3 A. For sure, no. For sure, no. I realize what  
4 was -- what happened and if he --

5 Q. I'm talking about before --

6 A. Oh, no.

7 Q. -- and after.

8 A. No. For sure, no. No.

9 Q. Because there's people saying that you did say  
10 that.

11 A. Okay. Then you --

12 Q. I'll be completely honest with you.

13 A. They said what?

14 Q. Because it's --

15 A. What are they saying? That I --

16 Q. We've been talking for a while now --

17 A. -- been threatening Joe Biden's life?

18 Q. Yeah.

19 A. For sure, no.

20 Q. So I need to hear it from you.

21 A. If I was -- number one, that's, like, a federal --  
22 like, that's a -- I already know that, you know, threatening  
23 a President is a very serious accusation. If you say  
24 something on the phone, I think -- from what I understand,  
25 it, like, might trip up, like, an automatic thing where



1 you're recorded or something and --

2 Q. Did you say anything related? Like, I would never  
3 live under a Biden regime. I would rather die before that.

4 A. Over my dead body. I mean, over my dead body, I  
5 said.

6 Q. If I got the opportunity, I would --

7 A. Yeah.

8 Q. -- assassinate Joe Biden.

9 A. No, I didn't say that. I said, Joe Biden's going  
10 to be President over my dead body, I remember. Yeah. I'm  
11 still alive, so I failed.

12 Q. So then, if you had the opportunity, you would --

13 A. No. Not anymore. Nothing like that. Like, I  
14 don't --

15 AGENT ELIAS: In the past, though, you had those  
16 ideations. You had thought about, like -- in the past, when  
17 you were upset about the election and the vote was stolen --

18 MR. RODRIGUEZ: No. No, no, no, no, no, no, no,  
19 no. No.

20 BY AGENT ARMENTA:

21 Q. Come on, full down low, man. (Indiscernible).

22 A. No. No. No. I'm not going to be able to take  
23 out Joe Biden. I'm not delusional.

24 Q. I'm not saying that you actually think you could.  
25 I'm just saying, did you say it?

1 A. No.

2 Q. Did you express that emotion about that --

3 A. No.

4 Q. -- desire? Because there are people that did say  
5 that you said that.

6 A. I don't care what they said (indiscernible) --

7 Q. I'm just letting you know because I don't wan  
8 there to be any confusion when it comes up that you lied to  
9 us or that you didn't -- you weren't fully honest with us.  
10 So that I'm laying all our cards on the table, showing you  
11 what we know.

12 A. Yeah, I know.

13 Q. And so -- because like I said, you're the one that  
14 D.C.'s got this freaking hard-on for because of what you  
15 did, you know? Just with the officer, right? So if someone  
16 else says it, three, four, five other people are saying that  
17 you made these statements, who do you think they're going to  
18 believe? And if you're saying --

19 A. There's not three or four, five people out there  
20 that I talk to that I would say that --

21 Q. I'm just saying, if we find more --

22 A. There's (indiscernible) --

23 Q. But if you come to us and say, like, hey, I said  
24 this because I was upset. There was -- like, if you give us  
25 context. Like, this happened. I saw this on InfoWars or I

1 heard about this.

2 A. The worst thing I said was, Joe Biden will be  
3 President over my dead body, as if I'm going to give up my  
4 own life to stop this.

5 Q. And that's how you felt?

6 A. I thought that I wasn't coming back at one point,  
7 yeah. I was prepared to not come back. Yeah.

8 Q. You were prepared to give up your life to prevent  
9 him from being President?

10 A. No. To save the country.

11 Q. But, I mean, that's the same thing, right?

12 BY AGENT ELIAS:

13 Q. Was that when you went to D.C.?

14 A. I thought we were saving the country and I thought  
15 it was just my -- it was -- I'm nothing. I'm nobody. And  
16 for what the future is -- it's because the future -- there's  
17 the future of the country and the kids and, you know,  
18 everybody that -- what is -- what am I -- what --

19 Q. So you thought you were going to martyr yourself  
20 for the cause of the country?

21 A. I'm so stupid.

22 Q. Is that what --

23 A. I didn't -- no. I don't have a death wish. I  
24 don't want to die. I don't want to --

25 AGENT ARMENTA: Well, there's difference from

1 having a death wish than being willing to die for a cause,  
2 right?

3 MR. RODRIGUEZ: I don't want to die for it. I  
4 don't want to die at all.

5 BY AGENT ELIAS:

6 Q. But you did want to die for the cause at one  
7 point. You just told us that --

8 A. I was willing to. I didn't want to.

9 Q. Right.

10 A. I was prepared that that was a possibility, but  
11 clearly, I don't --

12 Q. (Indiscernible) --

13 A. I like my freedom and my life. I don't want to --  
14 I didn't go there to die. I could've died this morning. I  
15 could've not come out of the room.

16 Q. When you were fighting with Officer Fanone, did  
17 you think that that might be -- that you might be in that  
18 moment where this might be the real deal? This might be the  
19 real thing for the cause here? This might be that turning  
20 point for the --

21 A. Well, yeah.

22 Q. Yeah?

23 A. I thought that that's what was happening. I  
24 thought that we were making it happen. I thought we were  
25 saving the democracy and the election and the --

1 Q. Were you willing to take Officer Fanone's life for  
2 the cause?

3 A. No. I didn't try to take his life. I knew -- I  
4 don't --

5 BY AGENT ARMENTA:

6 Q. Have you ever said that, that -- in the past, that  
7 you would be willing to, you know, kill someone in combat,  
8 an officer if need be --

9 A. Oh.

10 Q. -- if they were --

11 A. Oh, no. I don't think I ever said anything like  
12 that.

13 Q. Because there's people saying that you said that,  
14 too. Just so you --

15 AGENT ELIAS: And there actually might be, like,  
16 digital evidence that says that from you.

17 MR. RODRIGUEZ: I don't think there is.

18 AGENT ARMENTA: Well, that's not really a denial  
19 if you're saying, I don't think there is.

20 MR. RODRIGUEZ: No. I don't think I ever said  
21 anything like that or felt anything like that.

22 AGENT ELIAS: Is it possible you said that?

23 MR. RODRIGUEZ: I don't believe it is. I would  
24 remember feeling that way or thinking like that.

25 AGENT ARMENTA: Danny, it sounds like you were

1 willing to die for your cause, you know, which I get. I  
2 totally understand that.

3 MR. RODRIGUEZ: I don't feel it's our -- it's my  
4 cause. I think it's, like -- it's a bigger cause. It's not  
5 just me. It's for everyone.

6 AGENT ARMENTA: You were willing --

7 AGENT ELIAS: Totally, yeah.

8 AGENT ARMENTA: -- for the benefit of the country.

9 MR. RODRIGUEZ: Yeah.

10 BY AGENT ARMENTA:

11 Q. Right? You were willing to die for the benefit of  
12 the country. That's a -- I mean, that's pretty serious  
13 thing, right? Were you also willing to kill somebody who  
14 was trying to disrupt that or trying to hurt the country?

15 A. You know --

16 Q. Because, like, honestly --

17 A. I didn't go planning to murder anybody.

18 Q. I'm not saying that.

19 A. But I knew that it was a possibility that --

20 BY AGENT ELIAS:

21 Q. There could be causalities and --

22 A. There could be causalities. That, like, if this  
23 was another civil war, this was another 1776, another 4th of  
24 July or something, that that could be a possibility and --

25 Q. Officer Fanone was just a casualty. That's part

1 of it, right? I mean, because your thinking is like --

2 A. Do you guys -- you went through taser training  
3 before?

4 Q. Um-hmm.

5 A. And you've been tased?

6 Q. Um-hmm.

7 A. So he's been tased before, Officer Fanone.

8 Q. Um-hmm.

9 A. And he has a lot of neck tattoos. That's painful,  
10 too, right?

11 Q. Okay. So where you going with that?

12 A. I'm not going anywhere with that.

13 Q. So you're saying he just had a little bit of pain?

14 A. I don't know how much pain he has. I've never  
15 been tased. I'm sorry. I don't know what it's like. He  
16 can tase me.

17 Q. But it seems like you were saying those things to  
18 be dismissive about the harm that you caused him.

19 A. If I could go back and -- yes, I wouldn't do it  
20 again. But what I did, I can't undo it. And I have, like,  
21 no -- I'm embarrassed by it and I'm ashamed by it. And my  
22 mom's going to find out about it, probably.

23 Q. But, Danny, the issue is, when you went to D.C.  
24 and when you thought that you were part of this three  
25 percent civil war that you were going to be fighting for

1 freedom, when you tased Officer Fanone, he was standing in  
2 your way of fighting for freedom, right?

3 A. (No audible response.)

4 Q. Was he one of those -- were you willing to accept  
5 him as a casualty if it -- so be it that the --

6 A. No.

7 Q. No?

8 A. No. I wasn't trying -- I would've stayed there  
9 and, like, helped him, like, do something, like, hurt them  
10 or -- he said that they were trying to get his gun. They  
11 said they were trying to -- they were chanting, kill him  
12 with his -- I didn't hear any of that. I didn't do any of  
13 that. And honestly, I just walked up when they were pulling  
14 him out.

15 (Special Agent Armenta exits the room.)

16 MR. RODRIGUEZ: And I saw that video where there  
17 was people protecting him and I probably should've. I  
18 didn't know that they were going to try to get his -- I  
19 didn't --

20 BY AGENT ELIAS:

21 Q. But if that happened, he's just -- that's a  
22 casualty of war, right?

23 A. No. I wouldn't really kill an officer.

24 Q. Let's talk about these people.

25 A. This person is from New Jersey. I don't know her.



1 Q. Who's this?

2 A. That's Chris Almonte.

3 Q. Who's this?

4 A. That's that guy, Sauna.

5 (Special Agent Armenta enters the room.)

6 MR. RODRIGUEZ: And I don't really know him. I  
7 just know his name is Sauna.

8 BY AGENT ELIAS:

9 Q. Where's he from?

10 A. He's from -- they're all from here.

11 (Indiscernible) --

12 Q. LA?

13 A. We're all from LA except for this person. This  
14 person we just met that day -- or, I just met her.

15 Q. From, like, LA proper, Brentwood?

16 A. I don't --

17 Q. You don't know?

18 A. No. I mean, we're Beverly Hills rally, like,  
19 area --

20 Q. Okay.

21 A. -- people.

22 Q. Who's this?

23 A. That's Ed.

24 Q. (Pointing at the photograph.)

25 A. Her name is Rip (ph.). I don't really know her

1 too well.

2 Q. Was she from LA?

3 A. Yeah.

4 Q. Did she travel with you guys?

5 A. No.

6 Q. Did you guys transport anything for --

7 A. I think these two girls are cute. That's all I  
8 know about them. I don't know any -- where they live.

9 Q. Who's this?

10 A. That's Kayla.

11 Q. Kaylin?

12 A. No, Kayla.

13 Q. Kayla? Who's this?

14 A. (Laughter.) That's me.

15 Q. You know who these two people are?

16 (Special Agent Armenta exits the room.)

17 MR. RODRIGUEZ: (Indiscernible).

18 BY AGENT ELIAS:

19 Q. Need glasses?

20 A. No. (Indiscernible).

21 (Unidentified male enters the room.)

22 MR. RODRIGUEZ: Mm-mm.

23 BY AGENT ELIAS:

24 Q. Do you see this -- is that an American flag neck  
25 scarf and a brown jacket?

1 A. Oh, is that Edward?

2 Q. Is this also an American flag neck scarf and a  
3 brown jacket?

4 A. Yeah. That's Edward, I guess.

5 Q. You know who this is? Who is that?

6 A. (No audible response.)

7 Q. Why do you protect her?

8 A. (Crying.) She doesn't know what's going on.

9 Q. Oh, I think she does.

10 A. She's not one of us. She's not part of this.

11 Q. I think she is.

12 A. (Shakes head.)

13 Q. Then you have to start telling me why she not  
14 because, right now, she's renting the car that you guys  
15 drove.

16 A. She doesn't know anything (indiscernible) --

17 Q. She knows everything, Danny. And you told her  
18 everything, too.

19 A. No. No.

20 Q. Is this Kaylin?

21 A. Just leave her out.

22 Q. Is it Kaylin?

23 A. Just please leave her alone. That girl is just  
24 such a sweetheart. She's so innocent. She doesn't have  
25 anybody.

1 Q. She's from Philadelphia, right?

2 A. From Pennsylvania.

3 Q. Pennsylvania, right? She's a nanny?

4 A. Yeah.

5 Q. You got to talk to me. If you want me to help her  
6 out, then I need to know what I -- what her exposure is.

7 Because right now --

8 A. I haven't told her anything.

9 Q. -- she's part of the group.

10 A. I kept her with no information.

11 Q. What's your relationship with her?

12 A. I like her. Don't mention --

13 Q. Does she like you?

14 A. Not really.

15 Q. She's with Ed, right?

16 A. Kind of. But he don't really like her.

17 Q. Ed kind of uses women, right? He sleeps with a  
18 lot of different girls.

19 A. Yeah.

20 Q. Did Ed use her to rent the vehicle?

21 A. I don't know. Maybe.

22 Q. Did Ed tell you that she rented the vehicle?

23 A. No. He didn't tell me anything. He was supposed  
24 to be the one that was renting it.

25 Q. She goes to the rallies with you guys?

1 A. No. No.

2 Q. She in the Telegram channel?

3 A. Yeah.

4 Q. So she knew what you guys were about.

5 A. She's just not on there, though. Like, she  
6 doesn't -- I put messages to her and she doesn't read them  
7 or -- she doesn't go on there. She has it, but she's not on  
8 there.

9 Q. So if you're not in a relationship with her, why  
10 are you loyal to her and protecting her? And if she doesn't  
11 truly know anything, why do you get so emotional about her?

12 A. She's the only one I have. She's the only thing I  
13 have besides my mom. That's the truth. That's all it is.  
14 She's someone I talk to. She's a friend.

15 Q. But you confided in her all of the things that  
16 you've done.

17 A. No. No. I don't want to scare her. I don't want  
18 her to worry and stuff. She probably won't want me around.  
19 Ed already tried to scare her away from me, saying that I'm  
20 no good, I'm -- I don't know. Maybe he told her stuff about  
21 D.C. You might know more. (Laughter.) You might know more  
22 about them.

23 Q. Did you guys -- did you or Ed or anybody else  
24 threaten anybody after January 6th, tell them to not talk?

25 A. I don't really threaten anyone. I mean, that's --

1 I don't threaten anyone. I haven't threatened anyone, no.

2 Q. Did you ever make any communications to anybody,  
3 whether it be through text communication or verbal  
4 communication, telling somebody that if they talked to the  
5 police or went to the police, that there'd be consequences?

6 A. No. I definitely didn't do that. And you would  
7 be able to prove it, so why would I lie?

8 Q. So we started off our conversation today about --  
9 we wanted to get to know the story of Danny. And basically,  
10 I'm going to try to summarize the story that you've told us  
11 so far and I want you to tell me where I'm wrong, if it's  
12 wrong. But --

13 A. Who is this guy?

14 Q. Just when my partner goes out. He's just another  
15 agent.

16 UNIDENTIFIED MALE: It's just two people to  
17 protect.

18 MR. RODRIGUEZ: Got it, got it.

19 BY AGENT ELIAS:

20 Q. Yeah. He's just another agent on our -- in our  
21 office. So essentially, you have been a fan and a support  
22 of Trump for a long period of time. And when Trump became  
23 President, you were motivated to try to join the military,  
24 but the military -- the Army didn't take you based off of  
25 your prior history. But you volunteered to do canvassing on

1     behalf of the campaign.

2                     And then at some point in August of 2020, you  
3     started attending Trump rallies. Most of them in the  
4     Beverly Hills area, but some of them in Huntington Beach  
5     and --

6             A.     Politicians' houses.

7             Q.     -- at politicians' houses. And at some point  
8     after the election, when it appeared to you that Biden was  
9     going to be declared the winner, you --

10            A.     I didn't think that Biden was ever going to be  
11     declared winner.

12            Q.     But at some point, you believed that the election  
13     was stolen from Trump, that Trump had won in a landslide,  
14     but that those votes weren't being legally counted. And  
15     some of that information you got from InfoWars and from some  
16     of the other videos that you were seeing of, like, ballots  
17     being moved about in boxes and things like that. Is that  
18     correct so far?

19            A.     Yeah. Yeah. Steven Crowder and Mark Dice.

20            Q.     Okay.

21            A.     InfoWars. It's all over.

22            Q.     Right.

23            A.     From the Hodgetwins. There's just tons of  
24     channels that -- evidence everywhere.

25            Q.     Okay.

1 A. Overwhelming evidence that it's been stolen,  
2 everything's not right.

3 Q. Right.

4 A. We need to fix this.

5 Q. And part of your background and your experience  
6 was that you felt like, at some point, you get involved with  
7 the three percent belief.

8 A. No -- oh, yeah.

9 Q. Do you know -- how far back was that, by the way?

10 A. I just felt like --

11 (Special Agent Armenta enters the room.)

12 MR. RODRIGUEZ: I don't know anybody else that  
13 called themselves a Three Percenter or --

14 AGENT ELIAS: Sure.

15 MR. RODRIGUEZ: So I just -- nobody around my  
16 friends, my circle, like, knew what that was, was about  
17 patriotism (indiscernible) --

18 (Unidentified male exits the room.)

19 BY AGENT ELIAS:

20 Q. But at some point, you got involved  
21 (indiscernible).

22 A. Yeah. I just thought --

23 Q. You never, like (indiscernible)--

24 A. -- that that was cool, yeah. I was putting  
25 stickers on my car. I'm like, okay. Let me order something



1 online and put it on my car, and that's all it was. It was  
2 never a meeting. I never met another --

3 Q. I know. And I was going to get to that. But I  
4 was just wondering, when did that three percent stuff start  
5 to, like, kind of be something that you were really  
6 interested in?

7 A. Oh, maybe, like, ten years ago. At least, like,  
8 2013, 2012.

9 Q. Okay. When did you get the sticker for your car?

10 A. When I got the car.

11 Q. Which was? I don't know that date.

12 A. I got that car in 2017, probably. That black one.

13 Q. Okay. And that's when you put three percent  
14 sticker on it?

15 A. Yeah. I mean, I had InfoWars sticker, California  
16 Republic sticker, American flag sticker.

17 Q. Okay.

18 A. Even had a thin blue line sticker.

19 Q. Okay.

20 A. I had all the stickers on there. Three Percenter,  
21 1776.

22 Q. Okay. So back to my summary of what you've told  
23 us thus far. And then you and some of the other friends  
24 that were part of a -- your Telegram, Patriots -- whatever  
25 the Telegram group was. MAGA Gang. And they're also the

1 group of friends that attends those Beverly Hills rallies  
2 had decided you guys were going to heed the call of  
3 President Trump and head back to D.C.

4 Part of what you thought, though, would -- could  
5 take place when you went to D.C. was that you guys were  
6 going to encounter BLM and Antifa who were there to be  
7 opposing, like they had been in other rallies here in  
8 California.

9 A. We were originally going to go protect -- the  
10 original intent -- or possibility was to go protect the  
11 Capitol.

12 Q. From Antifa and BLM.

13 A. From vandalism and --

14 Q. Right.

15 A. -- fire.

16 Q. And so you -- in order to make sure that you guys  
17 were equipped for that because of all your experiences that  
18 you lived --

19 A. That's why I needed the gas mask and --

20 Q. -- you needed the gas mask, the bear spray, the  
21 tasers, all those things were because you thought you guys  
22 were going to be engaged in some sort of civil war with BLM  
23 and Antifa. You go to the -- you arrive by van, you attend  
24 the Trump rally the morning of the 6th, and then you go to  
25 the Capitol and you breach through the Capitol area.

1           You end up in the area where the tunnel is and, at  
2           some point, you engage with Officer Fanone after receiving a  
3           taser from some mysterious person after you call for a  
4           taser. You tased Officer Fanone, you reviewed those videos  
5           with us, that you confirm that that is you tasing Officer  
6           Fanone in those videos. And at some point, after tasing  
7           Officer Fanone, you end up breaching the Capitol through a  
8           glass window that was already broken.

9           And once inside the Capitol, we showed you that  
10          video of you inside the Capitol and you confirmed that that  
11          was you that was trying to break the other window open. And  
12          you believed at some point you may be there for a while and  
13          so you needed to open that other window for ventilation in  
14          case you were tear gassed. But at some point, those things  
15          all occurred, correct? That's what you've told us thus far.

16          A.     (No audible response.)

17          Q.     Then you left from there. You took a photo with  
18          somebody else. The guy outside that had the little --

19          A.     Oh, yeah, we --

20          Q.     -- gas bag or whatever it was.

21          A.     Yeah.

22          Q.     Hazmat bag.

23          A.     Yeah. When we came out, we took that picture.

24          Q.     Took those pictures, you went back to the Airbnb,  
25          you left the following day in the van, and it was everybody

1 except for Al was -- came back in the van. And you've  
2 confirmed, at least in part, that one of Ed's goals may have  
3 been -- for the paintball training was to practice should  
4 you guys go up against Antifa or BLM, to make sure you guys  
5 knew how to work together as a team.

6 A. I don't know if that was his intent or his goals,  
7 but that's what I thought it might be.

8 Q. Okay. And you acquired -- at some point, you  
9 acquired the smoke grenades for going to those rallies.

10 A. No. I had the smoke grenades because we went  
11 paintballing, but they didn't let us use them at the  
12 paintball, so I just --

13 Q. Well, you bought them at the paintball place.

14 A. Yeah. And then I just had them.

15 Q. And you said you were going to use them maybe at  
16 the Huntington rally.

17 A. Yeah.

18 Q. And you didn't.

19 A. Yeah.

20 Q. But then you ended up on taking those along with  
21 your knife, your pepper spray, and the gas mask that Ed gave  
22 you. Those all ended up in --

23 A. I take a knife everywhere. I didn't take a --

24 Q. I understand, I understand. I'm just saying the  
25 items you told us you took. All those ended up going with

1 you back to the Capitol. When you tasered Officer --

2 A. We didn't -- that stuff stayed in the van. We  
3 didn't --

4 Q. It went to the Capitol region. Let me be clear.

5 A. Yeah. It went to Arlington, but it never went  
6 into D.C.

7 Q. Okay. The van wasn't in D.C.? So when you  
8 offloaded it, it stayed at the Airbnb?

9 A. No. We took a Uber into D.C.

10 Q. You Uber'd to D.C.?

11 A. Yeah.

12 Q. How many people went in the Uber?

13 A. Well, we had a couple Ubers.

14 Q. Okay.

15 A. It was just --

16 Q. Who paid for the Ubers?

17 A. Oh, it wasn't me. I don't know.

18 Q. You don't know who ordered the Ubers?

19 A. No. I don't have a Uber app or anything.

20 Q. Okay.

21 A. Might've been Ed, I guess.

22 Q. Might've been who?

23 A. Ed.

24 Q. Okay. When you were engaged in your activities at  
25 the Capitol, including the taserings of Officer Fanone,

1 including breaking into the Capitol, there's a part of you  
2 that believed that there may be -- this may be a civil war  
3 moment where you had to be part of the necessary group of  
4 people that were going to repel the evil to make sure that  
5 our United States and our Constitution would survive, right?

6 A. (Crying.)

7 Q. And so when you --

8 A. Am I mental? Am I? Am I just that stupid? I  
9 mean, yes.

10 Q. Listen, Danny. I think you just made some bad  
11 choices, man.

12 A. Did we all really just -- are we all that stupid  
13 that we thought we were going to go do this and save the  
14 country and it was all going to be fine after? We really  
15 thought that. That's so stupid, huh?

16 Q. You did think that, right?

17 A. Yeah. Yeah. We really thought that we were doing  
18 the right thing, that we were going to -- yeah.

19 Q. And those -- the officers that were there, they  
20 were getting in your guys' way.

21 A. (Crying.) Yeah. We just -- yeah. We were just  
22 like, come on. Get out of the way, guys. This is  
23 (indiscernible) --

24 Q. So if they were in your way, you guys just had to  
25 tase them.

1           A.     We're with you guys.  Come on, guys.  We back the  
2 blue.  You know how many times I've had to argue with people  
3 about backing the blue and the cops telling us at rallies,  
4 you know, stay on the sidewalk or it's time to get out of  
5 here or whatever?  And I'm like, come on, guys.  This is not  
6 how we back the blue.  And I tased one of them.  Yeah.  I  
7 don't know what --

8           Q.     If you could say something to that officer, what  
9 would you say?

10          A.     (Crying.)  I'm sorry he had to go through that.  
11 It's not right that he had to suffer like that.  And it puts  
12 fear in him and worrying about his life.  He was scared for  
13 his own life and thought about having to kill us.  And he  
14 was willing to die because of his beliefs, too.

15          Q.     What were his beliefs?

16          A.     That he was standing up against the racists or  
17 something, maybe.  Like, the Trump people are bad and he  
18 was -- he felt he was doing the right thing, too.

19          Q.     Do you think he was doing the right thing?

20          A.     Yeah.  He was doing his job.

21          Q.     Do you think you were doing the right thing in the  
22 moment?

23          A.     Yeah.  But not very confidently, I guess.  I mean,  
24 not -- I mean, when I tased him, I really -- you know, like,  
25 when you do something, you're like, goddamnit, why did I do

1 that? I just -- I had -- got caught up in the moment and I  
2 didn't really think. I didn't think about him and his  
3 family and what was going to happen to him. I should've  
4 protected him and stopped what was going on.

5 Q. Danny, what should happen to somebody who assaults  
6 an officer and breaks into the Capitol? And by break, I  
7 mean illegally enters the Capitol.

8 A. Well --

9 Q. Causes property damage in the Capitol. What  
10 should happen to somebody who does this?

11 A. Well, this kind of situation's never happened  
12 before. I don't know what should happen because there was a  
13 lot of brainwashing and manipulation and politics and a lot  
14 at stake. A lot of peoples' lives on the line and  
15 livelihoods and the futures on the line and -- you know?  
16 There's a lot of emotions when you get involved when  
17 you're -- when you feel like you're fighting evil. You're  
18 fighting pedophiles.

19 And it -- you have a lot of fire that gets lit  
20 inside you when you know that, like -- like, if you see a  
21 dog or a child being beaten and it's like you can only,  
22 like, take so much before you start to, like, feel  
23 responsible for not doing something.

24 Q. On January 6th, did you feel it was your  
25 responsibility --



1 A. I did.

2 Q. -- to go there?

3 A. (Crying.) I did. I did. I thought that -- yes.  
4 Yes. I thought that I knew enough or I knew better and I  
5 was -- I thought that I was doing the right thing. I  
6 thought it was all going to be different. I thought Trump  
7 was going to stay President. I don't know. I just can't  
8 believe my life, what I did to it.

9 Q. So what should happen to you?

10 A. You know, I don't really want to answer that  
11 because I don't --

12 Q. That's fair.

13 A. I don't know if I can tell what's going to happen  
14 to me.

15 Q. Okay.

16 A. Probably done too much talking today.

17 Q. Is there anything that you want to change from any  
18 of your previous statements that you've made to us? You  
19 know what I'm talking about? Changing from maybe something  
20 that wasn't truthful?

21 A. No, I have not lied. I've really not lied. Not  
22 about the gun -- you said I have gun -- you guys -- there  
23 was no gun at my house, right?

24 Q. There was a gun, yeah.

25 AGENT ARMENTA: There was a gun.

1 MR. RODRIGUEZ: In my mom's room?

2 AGENT ELIAS: Um-hmm.

3 MR. RODRIGUEZ: She had a gun? A .45?

4 AGENT ARMENTA: Yes, Danny. We're not lying about  
5 that.

6 AGENT ELIAS: You'll get to see a copy of the  
7 property evidence report and photos.

8 MR. RODRIGUEZ: What the fuck? She told me she's  
9 not allowed to have a gun.

10 AGENT ELIAS: She did.

11 MR. RODRIGUEZ: See, when I first to buy that  
12 Walther and I didn't get approved for the DOJ, I -- well,  
13 originally, I was buying the gun for my mom. It was a .22  
14 for the house. I was like, we should just own a gun, I told  
15 her. We should just own a gun for the house. And it was a  
16 .22. I was like, she shouldn't be scared of that. She  
17 should be comfortable with that.

18 And I asked her -- and I -- when I told her -- I  
19 go, well, I got this gun, I paid for it, but I couldn't get  
20 my name -- they wouldn't approve me or whatever. And I told  
21 her, well, let's put it in your name. And then that's when  
22 she told me she couldn't have a gun.

23 AGENT ELIAS: Okay.

24 MR. RODRIGUEZ: So that's why when you said  
25 there's a gun, I don't -- I didn't believe you. I --

1           AGENT ELIAS: So anything that you want to change  
2 statement-wise?

3           MR. RODRIGUEZ: I mean, nothing lies.

4           BY AGENT ARMENTA:

5           Q. Anything you're not telling us that you know we  
6 would be interested in as far as the involvement of your  
7 friends in this?

8           A. I mean, Edward and I were close at one point, but  
9 we don't even talk anymore. Like I said, I'm not into -- I  
10 don't follow the -- if you even -- I don't know if you guys  
11 look at my YouTube. I don't even watch a video or --

12          Q. Danny, Danny, Danny, that's not what I asked.

13          A. -- not commenting.

14          Q. That's not what I asked.

15          A. No.

16          Q. Is there anything that you didn't tell us -- like,  
17 remember, I talked about lies of omission?

18          A. (Nods head.)

19          Q. Is there anything that you want to let us know, so  
20 we can tell the prosecutors, hey, actually, Danny came  
21 forward and he told us this, and he was being really  
22 helpful.

23          A. I would try to -- I would like to be more helpful,  
24 but I don't have any -- what do you -- I mean, if you ask me  
25 (indiscernible) --

1 BY AGENT ELIAS:

2 Q. Did you plant the pipe bombs?

3 A. Did I what?

4 Q. Did you plant the pipe bombs that were down there?

5 A. No. I don't know if there was any -- no.

6 Q. Did Ed?

7 A. No. I don't know anything about pipe bombs. I

8 heard that there was pipe bombs from the news. I don't

9 know.

10 Q. Do you know any information about other people,

11 other groups that took weapons and did things at the

12 Capitol? Assaulted officers, injured officers?

13 A. Mm-mm.

14 Q. Because that would be information that could help

15 you out.

16 A. I don't. I don't. I don't know anything like

17 that.

18 BY AGENT ARMENTA:

19 Q. And just so you know, like I said, Danny, like,

20 you know, complete honesty, we talked to a lot of people

21 today, not just you. We executed a lot of search

22 warrants --

23 A. They're lying about me saying that I'm threatening

24 the President and stuff like that, though.

25 Q. We executed a lot of search warrants just like we

1 did at your mom's house. We searched vehicles, houses,  
2 persons, and phones, and we're going to find those  
3 information, those communications, even if it's deleted.  
4 The FBI's really good at finding information that's deleted,  
5 because, as you might know, if you delete a text or an app  
6 on a cell phone, it's not really deleted.

7 A. You guys found all those Clinton emails?

8 Q. Um-hmm.

9 A. No, I don't have anything.

10 Q. So honestly, Danny, you should be worried about  
11 yourself right now.

12 A. I'm really worried about -- I'm probably, what?  
13 Looking at 20 years or more? Forty years, 50 years? What  
14 am I doing? I'm going to die in prison?

15 BY AGENT ELIAS:

16 Q. No. Like, the way it works is they take a look at  
17 all of your charges and they take a look at your prior  
18 criminal history and whether or not you cooperated with the  
19 government, and all those things count towards credits  
20 either for or against you. And if you go to a trial at the  
21 end, then the judge issues a sentence. Or if you plead out  
22 beforehand, then you negotiate a plea deal with the U.S.  
23 Attorney's Office. So it can go a lot of different ways.

24 I can tell you right now, I think -- on the  
25 assault on a federal officer, I think your exposure, the

1 sentence max is 20 years. But that's the statutory maximum  
2 that you would get if you had busted through the charts on  
3 all the offender scores and everything like that, and had no  
4 cooperation credits. So that doesn't mean you're going to  
5 get 20 years.

6 What you're actually facing is something  
7 underneath that. But what that will be, it all depends on  
8 what your criminal history is like; like I said, if you  
9 cooperated with the government; if you entered in a plea  
10 agreement or not; all those things. And that's all stuff  
11 that you have to talk with your personal attorney over.

12 A. I don't have a good previous history.

13 BY AGENT ARMENTA:

14 Q. That's why I was telling I was trying to help you  
15 out and that everything you need to tell us has to be the  
16 absolute truth --

17 A. It was.

18 Q. -- and all the information.

19 A. It is.

20 Q. Okay?

21 A. Yeah. It's been --

22 Q. I'm just giving you the free pass now, let you  
23 know.

24 A. It's been.

25 Q. All right?

1 A. I have not --

2 Q. If there's something that we have, we look at,  
3 that isn't mixing with your statements or cell phone texts  
4 from Ed's phone or Frischkorn's phone or Rashmatter's (ph.)  
5 phone or -- do you want me to go on?

6 A. That's Kayla's last name.

7 Q. Yeah. You see what I'm saying, though? I'm  
8 trying to be all cards on the table right now, okay? And  
9 it's going to hurt you, man, and you're already looking at a  
10 serious charge. So please let me help you. Don't let -- I  
11 don't want you to leave this room and say, shit, I should've  
12 told him this. Will this hurt me?

13 Because what you're looking at, you don't want  
14 even the slightest chance of that happening. And those  
15 other guys over there, they're not looking at nearly what  
16 you're looking at. So if you're trying to help them out,  
17 they don't need it. You're the one that needs it.

18 A. Right. I don't --

19 BY AGENT ELIAS:

20 Q. They might be wheeling and dealing already.

21 A. I don't have anymore information that I haven't  
22 told you. I've been truthful. I didn't know about the gun  
23 and I've not done any threats. I never threatened Gina. I  
24 never -- or anybody about talking. I've never -- the worst  
25 thing I said about killing somebody was me dying. I said,

1 over my dead body. I remember writing that or saying that  
2 to somebody.

3 And I never -- it was very weird because, here I  
4 am supporting the President of the United States, Trump, and  
5 the -- and that's -- to me, I've been following Trump for a  
6 long time. It's like, I know the guy. I've been -- I  
7 watched him on The Apprentice and, like, I recognize this  
8 guy. I know him, like, almost like a old friend, like  
9 someone I'm familiar with, and I don't really see him as the  
10 President.

11 I don't really recognize that this is the  
12 highest -- I mean, I do. But it's like this is an important  
13 person in the world and I'm backing him up, but what about  
14 when he's replaced or gone? Now I'm the enemy of the most  
15 important person in the world -- or, whatever, with all this  
16 power, and it didn't register. I'm now the enemy -- like,  
17 as if -- I'm supporting Trump, but it didn't register in my  
18 mind.

19 Like, what if I was against Trump? Like, what are  
20 the consequences of, like, trying to overthrow a President  
21 or something, you know? And then I find myself in that  
22 position like that. Like, first I'm trying to be the good  
23 guy. I think I'm the good guy. I want to be the good guy.  
24 Now I'm, like, the bad guy.

25 And now it's like I just went after the President



1 of the United States? Like, that is not a joke. That's  
2 something, like -- hello? Like, what was I thinking? What  
3 am I doing? Like, snap out of it. Like, you're going after  
4 the highest office out there. Like, you're delusional.  
5 What is -- what was wrong with you?

6 Like, FBI, CIA, Secret Service, like all these  
7 agencies and marshals and whatever's -- whoever's out there,  
8 it's like now I'm on their -- the enemy list of all them. I  
9 didn't -- that's how stupid I am. I didn't realize -- I  
10 don't know. I just didn't think it was going to turn out  
11 like this. I thought the good -- I thought was -- who I  
12 thought the good guys were, the good guys were going to win.  
13 And I thought I was a good guy. Wanted to be a good guy.

14 AGENT ELIAS: All right. We're going to get you a  
15 property receipt for this. You have a 597? Can you --

16 AGENT ARMENTA: I can look for one.

17 AGENT ELIAS: Will you just grab one real fast?

18 AGENT ARMENTA: Okay.

19 AGENT ELIAS: And then --

20 MR. RODRIGUEZ: Is there any way I could talk to  
21 my mom?

22 (Special Agent Armenta exits the room.)

23 AGENT ELIAS: No. Not right now. You'll be able  
24 to -- when you get --

25 MR. RODRIGUEZ: You mean, when I got to jail, I

1 have to call her?

2 AGENT ELIAS: Yeah. We're going to take you down  
3 to the courthouse. You'll have an initial appearance today  
4 with the Judge where the Judge will read you your charges  
5 and you'll have a -- like, appointed legal counsel for you.  
6 And then the Judge will order you -- sorry. You won't have  
7 initial appearance today. It would just on -- put on  
8 calendar and they'll set it over for an initial appearance  
9 for you where you -- you'll have -- then you'll have legal  
10 counsel and all that stuff. So you'll get access to a phone  
11 today. You'll be able to call her.

12 MR. RODRIGUEZ: And if I don't know the number?

13 AGENT ELIAS: Can try to get it for you. I'm sure  
14 one of the agents who was interviewing her got her phone  
15 number, so I can write it down a piece of paper for you.

16 MR. RODRIGUEZ: I think it's 786-4860. I'm not  
17 going to see freedom for the next 20 -- maybe 20 years from  
18 this moment forward, huh?

19 AGENT ELIAS: That's not true. Some people get  
20 put out -- they get let out on pretrial release. You  
21 assaulted a federal officer, so it's going to be -- you have  
22 tough --

23 MR. RODRIGUEZ: (Indiscernible).

24 AGENT ELIAS: -- a tough battle there.

25 MR. RODRIGUEZ: (Indiscernible).

1           AGENT ELIAS: But you got to talk with your  
2 attorney about those things.

3           MR. RODRIGUEZ: My car, my -- everything is gone.  
4 I mean, I'm not -- I lost everything, then, huh?

5           AGENT ELIAS: I mean, it's all -- whatever is your  
6 possessions is your possessions. You can deal with that  
7 with your mom and you.

8           MR. RODRIGUEZ: It's time for a new life  
9 (indiscernible).

10          AGENT ELIAS: At any point, did you delete any  
11 evidence, any text messages, any communications after  
12 January 6th, thinking that we would be coming to seek that  
13 information?

14                   (Special Agent Armenta enters the room.)

15          MR. RODRIGUEZ: Maybe. I don't remember the  
16 specifics but, I mean, you're going to find it.

17          BY AGENT ELIAS:

18           Q. You did delete stuff, though?

19           A. No. I mean, I just delete stuff, like, I just --  
20 I don't -- not on purpose or --

21           Q. Did you go through your phone and delete photos or  
22 things inside your phone that were taken at the Capitol to  
23 try to hide the fact that you were there?

24           A. Yeah. But it's still on the phone. You'll find  
25 it.

1 Q. You did delete, though.

2 A. No. I didn't delete anything. I moved it to an  
3 SD card. The SD card's still on the phone. You'll find it.

4 Q. Okay. Why'd you move it to the SD card?

5 A. Thinking that I would get away with it, but  
6 already knew.

7 Q. Okay.

8 A. So I guess, you know, it's -- there's no point.  
9 You guys are going to get in the phone or find a picture.  
10 You guys found all those other pictures and --

11 Q. Yeah.

12 AGENT ARMENTA: It's like one \$10 bill, right?

13 AGENT ELIAS: Yeah.

14 AGENT ARMENTA: Yeah?

15 AGENT ELIAS: Yeah. And there's a money from, but  
16 he doesn't need that. He just need to sign for the property  
17 on this. You and I will sign the money form when we book it  
18 in. So this will be held in our office as part of your  
19 property under your case investigation.

20 MR. RODRIGUEZ: (Indiscernible) --

21 AGENT ELIAS: No. It won't be in the Bureau of  
22 Prison or in the Department of Corrections' property. It'll  
23 be in government property here.

24 MR. RODRIGUEZ: I'll get a --

25 AGENT ELIAS: You'll get a check back at the end

1 of -- the conclusion of your case.

2 AGENT ARMENTA: And then received by is us, right?

3 AGENT ELIAS: Yep.

4 MR. RODRIGUEZ: In 20 years, I'll use it for the  
5 bus.

6 AGENT ELIAS: And then just line through all this.  
7 Just draw a line through all the spaces.

8 MR. RODRIGUEZ: Is there really going to be all  
9 these prison cells open for all of us or what?

10 AGENT ELIAS: What are you talking about?

11 MR. RODRIGUEZ: Is there enough room for all those  
12 10,000 patriots?

13 AGENT ELIAS: Do you follow QAnon very much?

14 MR. RODRIGUEZ: I don't. No, because it's --

15 AGENT ARMENTA: Just sign right there.

16 MR. RODRIGUEZ: Not anymore. (Indiscernible).

17 AGENT ARMENTA: And then just right here, one \$10  
18 bill, two \$1 bills.

19 AGENT ELIAS: You were into Q at some point?

20 MR. RODRIGUEZ: Not really. It was a -- it was  
21 too confusing and cloudy and disinformation since the --  
22 from the beginning. There was more -- there was multiple  
23 Qs, so it --

24 AGENT ELIAS: Yeah.

25 MR. RODRIGUEZ: -- couldn't be trusted.

1 AGENT ELIAS: Right.

2 MR. RODRIGUEZ: But I do -- I am familiar with  
3 some of the topics of Q and, like, the child -- the  
4 pedophile stuff.

5 AGENT ELIAS: Yeah. Because you had mentioned  
6 something about pedophiles earlier, so I was wondering if  
7 you were into the Q stuff with that.

8 MR. RODRIGUEZ: Well, that stuff's been out there  
9 for a while and --

10 AGENT ELIAS: Pizzagate, all of that, are you into  
11 that stuff?

12 MR. RODRIGUEZ: Yeah. The pedogate thing --

13 AGENT ELIAS: Can you stand?

14 (Special Agent Elias applies restraints.)

15 MR. RODRIGUEZ: -- I was following --

16 AGENT ELIAS: Go ahead, put your hands behind your  
17 back.

18 MR. RODRIGUEZ: -- that stuff before.

19 AGENT ARMENTA: Do I need to make a copy of this,  
20 Nate?

21 AGENT ELIAS: The receipt?

22 AGENT ARMENTA: Yeah.

23 AGENT ELIAS: Yeah. We'll book it with his  
24 property.

25 AGENT ARMENTA: Okay. Let me make a copy real

1 quick.

2 MR. RODRIGUEZ: So this'll be the last time I'll  
3 see you guys?

4 AGENT ELIAS: No. We'll be around.

5 (Special Agent Armenta exits the room.)

6 MR. RODRIGUEZ: See you in court or what?

7 AGENT ELIAS: There's good potential for that, at  
8 least later on.

9 MR. RODRIGUEZ: I'm going to take it to trial.

10 AGENT ELIAS: Well, you certainly have your rights  
11 to do that. You can have a seat here. We'll be ready to go  
12 in a minute. Just don't sit on your hands. Just try to sit  
13 on the edge of the seat. There you go.

14 MR. RODRIGUEZ: I guess I'll take my chances with  
15 a jury, see how they feel.

16 AGENT ELIAS: Well, like I said, you are certainly  
17 entitled to a jury trial and you are more than welcome to  
18 talk with your legal counsel about that.

19 MR. RODRIGUEZ: Does my arrest record affect me if  
20 I have -- if I've had -- oh, wow. Yeah. I don't have that  
21 anymore. I don't have that orange bag.

22 AGENT ELIAS: That's the bag we were talking  
23 about, though, right?

24 MR. RODRIGUEZ: Yeah. I didn't take that, but if  
25 the -- this guy --

1 (Special Agent Armenta enters the room.)

2 AGENT ELIAS: Him?

3 MR. RODRIGUEZ: No, that's Mellow. The guy in the  
4 middle is the one who gave it to me.

5 AGENT ELIAS: And what was his name?

6 MR. RODRIGUEZ: I don't know his name.

7 AGENT ELIAS: He's from LA, though?

8 MR. RODRIGUEZ: Um-hmm.

9 AGENT ELIAS: Okay.

10 AGENT ARMENTA: Those are the same pants you got  
11 on right now, huh?

12 MR. RODRIGUEZ: Yep.

13 AGENT ELIAS: So he ID'd Mellow.

14 AGENT ARMENTA: That's Mellow?

15 AGENT ELIAS: Yeah. And this is the guy from LA.  
16 He doesn't know his name.

17 AGENT ARMENTA: Okay. Who was that Swedish scarf  
18 guy?

19 MR. RODRIGUEZ: That who the -- that's that guy.

20 AGENT ARMENTA: Is that him?

21 MR. RODRIGUEZ: Yeah.

22 AGENT ARMENTA: That's him?

23 MR. RODRIGUEZ: I don't know him, though.

24 AGENT ARMENTA: You don't know his real name?

25 MR. RODRIGUEZ: He doesn't have a Swedish accent.



1 AGENT ARMENTA: Yeah. It's just the scarf. I  
2 think that's why they're calling him that.

3 MR. RODRIGUEZ: So you're looking for him, too?

4 AGENT ARMENTA: Somebody is. Not me. I mean, I  
5 just heard about it, so I was just curious.

6 MR. RODRIGUEZ: You guys are just assigned to me  
7 only?

8 AGENT ARMENTA: Yeah. They give us cases and we  
9 just, you know, do our jobs.

10 MR. RODRIGUEZ: Can I take my water?

11 AGENT ELIAS: Nope, because you'll get -- be able  
12 to get stuff over at the marshals'. Hold on. Stay here for  
13 a second.

14 (Special Agents Armenta and Elias step into the  
15 hall.)

16 AGENT ELIAS: Are we going to transport right now?

17 AGENT ARMENTA: Yeah. Let me take this to Eric  
18 or -- yeah.

19 AGENT ELIAS: Okay.

20 AGENT ARMENTA: I'll be right back. You good?

21 AGENT ELIAS: Yeah.

22 (Special Agent Elias enters the room.)

23 AGENT ELIAS: You can go ahead and have a seat.

24 We got to -- he's got to run (indiscernible).

25 MR. RODRIGUEZ: If I call my mom and I tell her --

1 ask her to call Kaylin and I tell Kaylin -- and I tell my  
2 mom to tell Kaylin that they're watching here, is that  
3 illegal or am I going to get in trouble?

4 AGENT ELIAS: Yeah. So at this point, if you say  
5 anything to anybody who you think is a witness for the  
6 Government, that the Government may want to talk to -- so,  
7 any of your associates, anybody who was in the Telegram  
8 channels, anybody who could have a piece of information.  
9 And you tell them, the FBI's onto you, don't talk to them,  
10 you do anything that could impede my investigation, that  
11 would be obstruction of justice. So that's another federal  
12 felony, so you don't want to probably engage in that kind of  
13 behavior.

14 MR. RODRIGUEZ: Are you guys going to go after  
15 Kaylin?

16 AGENT ELIAS: Well, we're going to follow the  
17 evidence. So if the evidence shows that she committed a  
18 crime then, yeah, she's going to be --

19 MR. RODRIGUEZ: She didn't commit a crime  
20 (indiscernible) --

21 AGENT ELIAS: Okay. Well, then, you don't have  
22 anything to worry about, right? We don't make things up.  
23 We don't make up cases on people. We just follow the  
24 evidence and let the evidence speak for itself. That's how  
25 we do our cases.

1 MR. RODRIGUEZ: What about Edward? You guys  
2 haven't gone after Edward?

3 AGENT ELIAS: Well, like I said, we're talking to  
4 a lot of people today. Lot of people got search warrants, a  
5 lot of people got talked to. So what happens with those  
6 people in the future, it's all dependent upon the courts.

7 MR. RODRIGUEZ: Okay. So all you guys are FBI  
8 that I see up here?

9 AGENT ELIAS: Um-hmm.

10 MR. RODRIGUEZ: That's cool. I didn't know you  
11 guys were, like, normal, plain clothes-looking guys. You  
12 guys could've been following me the whole time.

13 AGENT ELIAS: Could've been. Could've been.

14 MR. RODRIGUEZ: So it doesn't sound very good, my  
15 case, huh?

16 AGENT ELIAS: I'm sorry?

17 MR. RODRIGUEZ: My case doesn't sound very good  
18 for me, huh?

19 AGENT ELIAS: Well, I mean, it is what it is,  
20 right? I mean, you admitted to a lot of the facts that we  
21 had talked about in here and so --

22 MR. RODRIGUEZ: Will that help me?

23 AGENT ELIAS: What's that?

24 MR. RODRIGUEZ: Will that help me?

25 AGENT ELIAS: Well, I think -- thank you. I think

1 your honesty and -- that puts you in a position where we can  
2 go to the prosecutor and say, hey, look. He provided us  
3 with a statement. You know, here's the facts that he gave  
4 us and, you know -- so, you have to then talk with your  
5 defense attorney and figure out if you guys want to go enter  
6 into a cooperation agreement with the Government or you want  
7 to fight the case and take it to trial.

8 Those are -- so the way your cooperation in this  
9 interview would help you is to show continued cooperation in  
10 the future and that, you know, the -- like I said, the law  
11 requires that the Government give you credit for cooperating  
12 with them. It's called -- part of the sentencing guidelines  
13 for the federal law says that if you give credits -- or, if  
14 you cooperate, then you can get credit for reduction on your  
15 sentence. So good? Hang tight here.

16 (Special Agent Elias steps into the hall.)

17 (End of recording.)

18

19

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**Exhibit 2**

### ADVICE OF RIGHTS

Place Riverside, California  
Date 3/31/2021  
Time 7:00 AM

### YOUR RIGHTS

Before we ask you any questions, you must understand your rights.

You have the right to remain silent.

Anything you say can be used against you in court.

You have the right to talk to a lawyer for advice before we ask you any questions.

You have the right to have a lawyer with you during questioning.

If you cannot afford a lawyer, one will be appointed for you before any questioning if you wish.

If you decide to answer questions now without a lawyer present, you have the right to stop answering at any time.

I have read this statement of my rights and I understand what my rights are. At this time, I am willing to answer questions without a lawyer present.

Signed [Signature]

[Signature]  
Enrique Armenta

Witness: \_\_\_\_\_

Witness: [Signature] MTB

Time: 11:39 PM